

2013 SENATE JUDICIARY

SB 2310

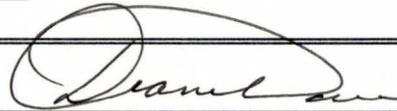
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2310
2/4/2013
Job #18205

Conference Committee

Committee Clerk Signature



Minutes:

Relating to accident report forms

Senator David Hogue - Chairman

Mark Nelson - Safety Division Director, NDOT - See written testimony (1)

Senator Dave Oehlke - Devils Lake - Explains the bill and its intent. He says as an insurance agent he would also like that information. He goes on to explain that on a police report there is a lot of personal information that people wouldn't want out and that some people that could be in abusive situations could be put in harm's way because their address would be out there. He says there are so many issue's here that it is worth protecting.

Senator Grabinger - Questions leaving the name available.

Senator Oehlke - Suggests that be discussed later. This bill is for general information that is out there that a competitive attorney or insurance agent that are out for the business or possibly a perpetrator that has a nasty interest. He explains the legal ways to get the information.

Senator Lyson - Remarks that it should have an emergency clause.

Opposition

Neutral

Close the hearing

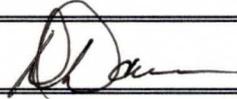
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2310
2/13/2013
Job #18874

Conference Committee

Committee Clerk Signature



Minutes:

Vote

Senator David Hogue - Chairman

Committee work

Senator Hogue goes over the bill and says he doesn't see anything wrong with the bill as it is written. The committee discusses who may want access to these reports. Senator Hogue said this does provide for a private entity wants to do research. Senator Armstrong says he supports the intent of the bill but thinks the media should be able to gain information. He says without amendments he won't be supporting the bill.

Senator Lyson moves a do pass
Senator Grabinger seconded
Vote - 6 yes, 1 no
Motion passes

Senator Sitte asks that an emergency clause be put on

Senator Sitte motions for a reconsider
Senator Berry seconded
Vote - Verbal - 5 yes, 2 no

Senator Sitte motions for an amendment for an emergency clause
Fails for lack of a second

Senator Lyson moves a do pass
Senator Berry seconded
Vote - 6 yes, 1 no
Motion passes

Senator Hogue will carry

Date: 2-13-13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2310**

Senate 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 S Lyson Seconded By S Grabinger

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) 6 No 4

Absent _____

Floor Assignment _____

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

Date: 2/2
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2310

Senate 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 S Sitte Seconded By Berry

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

Total (Yes) _____ No _____

Absent Verbal 5-2

Floor Assignment _____

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

Date: 2/13/13
Roll Call Vote #: 3

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2310

Senate 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 w/ emergency clause

Motion Made By S. Sitte Seconded By _____

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

Total (Yes) _____ No _____

Absent Fails - no second

Floor Assignment _____

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

Date: 2-13-13
 Roll Call Vote #: 4

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2310**

Senate 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 S Lyson Seconded By S Berry

Senators	Yes	No	Senator	Yes	No
Chariman 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) 6 No 1

Absent _____

Floor Assignment S. Hogue

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

REPORT OF STANDING COMMITTEE

SB 2310: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS
(6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the
Eleventh order on the calendar.

2013 HOUSE TRANSPORTATION

SB 2310

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

SB 2310
03-07-13
Job # 19560

Conference Committee

Committee Clerk Signature

Marly Kenzle

Explanation or reason for introduction of bill/resolution:

A bill relating to accident report forms.

Minutes:

Attachment 1-5

Chairman Ruby opened the hearing on 2310.

Senator Dave Oehlke explained SB 2310.

Dale Haake, Director of Casualty Claims at Nodak Mutual Insurance in Fargo, spoke to support SB 2310 and proposed an amendment. See attachment #1. (5:02-6:54)

Representative Delmore: Would this relate basically to medical injuries?

Dale Haake: From my perspective it would relate to injuries primarily. Property damages could be involved but I think those would be rare instances.

Levi Andrist, representative for Reed Elsevier and its division LexisNexis, See attachment #2. (10:00-11:53)

Representative Drovdal: What is your privacy policy that your organization has with information you receive?

Levi Andrist: We contract with insurance companies. The Insurance Title of the Century Code does define what a Insurance Support Organization is and are privacy rules in that statute as well. What I can assure you is that the problem this bill is trying to address is where Law Firms are trying to see large amounts of information for marketing purposes.

Chairman Ruby: How do you screen the information you supply?

Levi Andrist: I am not really sure about that. I can find that information for you, but my understanding is that the contract between the Insurance Company and ISO defines what the responsibility of the ISO is.

Representative Drovdal: The people, who sign up for your services, do they include Newspapers, Magazines and Individuals?

Levi Andrist: I suppose they could. I can't speak for all ISO. Our primary business is for insurance companies.

Representative Delmore: Your companies do not sell information to out of state insurance companies now?

Levi Andrist: We definitely do. We sell across the country.

Chairman Ruby: Are the firms able to able to get the information they are looking for from any state or was North Dakota the ones who have a gap?

Levi Andrist: Someone else might have a better understanding of this.

Representative Gruchella: If there happens to be a leak of information, who is liable?

Levi Andrist: First there are any provisions in the privacy laws, which company has the responsibility and the second is what is included in the contract between the insurance company and the ISO.

Mark Nelson, Director of Safety Division, North Dakota Department of Transportation, spoke to support SB 2310. See attachment # 3. (17:23-20:42)

Representative Gruchella: If the same request would be given to an adjoining state, would they get the information?

Mark Nelson: I am not sure as to what the policies are. They would get the information from us.

Chairman Ruby: Would there be anywhere else that the party could get the same information?

Mark Nelson: I don't believe so.

Chairman Ruby: Do any of the amendments change the intent of the bill, in your opinion?

Mark Nelson: There are portions of the information that we feel could be released. Now when there are large amounts of information requested, the company requesting the information pays \$2.00 per request.

Mike Reitan, Assistant Chief, West Fargo Police Department, spoke to support SB 2310. Written testimony was provided. See attachment #4. (25:34-27:41)

Representative Delmore: If we open this with more amendments, isn't there a possibility that the insurance companies can still work the public who want this type of information and give it to them.

Mike Reitan: It could be the potential. That would have to be a business decision made by that company.

Representative Fransvog: What was the information that you were providing?

Mike Reitan: Currently what we release is the First and Last Name, age and the home city.

Jack McDonald, North Dakota Newspaper Association and North Dakota Broadcasters Association, spoke to oppose SB 2310. Written testimony and a proposed amendment were provided. See attachment #5. (29:32-35:00)

Representative Drovdal: We do show our driver's license to many places, but they don't need to write anything down off of my license. That would concern me is why they would need my license number. Why would your organization need that driver's license number?

Jack McDonald: That particular piece of information is not so important, we are concerned that we get a copy of the name and address and contact information of the persons in the accident. I really question if you really need this bill at all as this is public information.

Representative Heller: I don't think we are concerned about collecting money, but more with the purpose of a bulk request.

Jack McDonald: I would disagree because then the state is deciding what the propose is for the requests for this information.

Representative Schatz: Did you say you oppose the bill?

Jack McDonald: We oppose the bill as it is because the bill as it closes the records.

Chairman Ruby: Your amendment basically guts the intent of the whole bill.

Jack McDonald: My amendment would open the records and allow them to collect a special fee for these records.

Chairman Ruby: We would generally call it a Hog House.

There was no further testimony in opposition to SB 2310.

Linda Butts: Deputy Director of Driving Services: Stated she was neutral. The \$2.00 is statue. We will do whatever you ask us to do. It has never been our intent to close off the information to anyone. Most of these people asking for this information, it is in bulk and for data. They do sign off that they will not contact or use of marketing purposes, this data. This is build right into a contract. Not having seen any of the amendments that have been passed out today, the first decision for all of you as a policy maker is do you want us to look at this and tighten this up and still be an open and transparent state?

House Transportation Committee

SB 2310

03-07-13

Page 4

Chairman Ruby: Closed the hearing on SB 2310

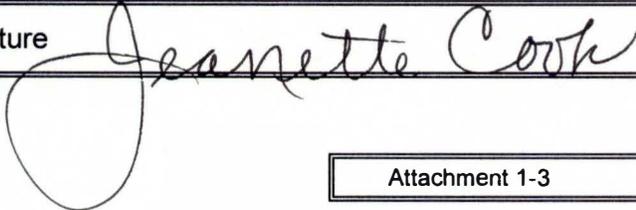
2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

SB 2310
03-21-13
Job # 20331

Conference Committee

Committee Clerk Signature



Minutes:

Attachment 1-3

Chairman Ruby brought SB 2310 back before the committee.

Information from **Jack McDonald** was provided to committee members. See attachment #3.

Vice Chairman Owens submitted proposed amendments and explained the amendments. See attachment #1. The original bill wanted to secure all the personal information in the accident report. In another section of law, 390810.1 Subsection 2, states that law enforcement **MUST** release the identity of people involved in an accident, once family members are notified or within 24 hours whichever comes first. That guarantees the release of the name. This section seeks to release the driver's identification number, the address of the party, the telephone number, the insurance company's name and policy number, and their date of birth. The amendment will seek to limit the information except for the people involved in the accident, their insurance provider, or an agent working for the insurance provider. Other than that the information is protected. The other information in the accident report would be available; the personal information would just be redacted.

Representative Gruchella: I don't think that the address of the party is confidential information. One of the good things about releasing the city or address of the party in the accident is that people that know that person will be able to identify them, especially if it is a common name.

Vice Chairman Owens: I hope the family will be notified by law enforcement. If you think that it is your friend, call the family and find out. I don't understand why the address would need to be printed in the newspaper. If you are in an accident and anyone can acquire the address, someone who is trying to protect their location (domestic violence cases) would not want their address released.

Representative Gruchella: The address of someone is made public in many places. It is not confidential information; it is public information.

Vice Chairman Owens: But that is you providing it for someone. Not the state providing it for someone else.

Vice Chairman Owens: I just brought the amendment. The committee can do as it wished.

Representative Heller: If Joe Smith was in an accident, or someone with a common name, wouldn't the news or newspapers be able to identify which Joe Smith it is? Is that what the amendment would do?

Vice Chairman Owens: No, it provides the name and city would still be available, but not the street address.

Chairman Ruby: Part of address could be the city and state. It just says address.

Vice Chairman Owens: The intent was to allow the city or town and the name, not the street address.

Representative Fransvog: Did this bill come about because some insurance company tried to get mass information? Was that the only reason?

Chairman Ruby: Yes, it was a request to the Department of Transportation from a law firm.

Representative Fransvog: As long as they are willing to pay for it, so be it.

Chairman Ruby: I think they charge \$2.00 a page.

Representative Fransvog: They should probably charge more than that.

Vice Chairman Owens: That amount is in code.

Representative Becker: I think that the bill came to us because of a problem of bulk requests for solicitations. That was considered an abuse or inappropriate use. So, how can we curb that? The bill and the amendment seem to be addressing the question of what is the appropriate degree of information that should be public. It seems like two different questions. If it is a matter of bulk, we could limit the number requested in a given time period or increase the fee without decreasing the level of transparency.

Representative Gruchella: I asked Linda Butts what surrounding states release as far as information. She provided information. See attachment #2.

Representative Drovdal: My concern with the information being released is information theft. I think the state has to be careful with information that might be used to steal someone's identity.

Vice Chairman Owens: This is not about the mass mailings or the newspaper for me; it is more about ID theft. I cannot prove that this has ever a problem, but 98% of people don't know how their IDs get stolen.

Chairman Ruby: Is the insurance company and the policy number currently released at this time?

Vice Chairman Owens: Yes, the whole report is releasable right now.

Representative Gruchella: Everything on the front of this crash report is releasable. That is what someone gets when they request a report. This bill doesn't protect anything that isn't already available in many places already. I don't see any real danger with releasing this information. No one came forward to say that there was a concern about using the information for identity theft. It was just that the Department of Transportation didn't like giving out the mass mailings.

Vice Chairman Owens: What you voluntarily release on your own is your own business, but this is the state releasing this on your behalf to people that you don't even know about. To wait on proof of identity theft is not reasonable to me.

Representative Heller: It is perplexing to me why they would want to release your license number? What is that to anyone else but the Department of Transportation?

Representative Gruchella: We used to have our social security number as part of our driver's license number and that is why it was changed. The operator's license number is not an identifier. I am not aware that it can be used as fraud.

Vice Chairman Owens: Yet we deliberately protect it under the release of information in another part of code, but not here.

Chairman Ruby: Does this amendment allow for insurance companies or anyone who would need the information for official use?

Vice Chairman Owens: This states that unless the requestor is a party to the accident, the party's legal representation, the insurer of the party, or the agent of that insurer, the information is not available.

Representative Delmore: What about the family?

Vice Chairman Owens: I would think they would be a party to the accident. I don't know.

Representative Kreun: If this is already in code, why wouldn't we follow the other section of law? Why would we have two conflicting components?

Chairman Ruby: It has been different for a long time. The amendment might need to be changed a bit.

Representative Weisz moved the amendment with the word "street" in front of the word "address" on the amendment (page 1, lines 11-14, part b).

Representative Weisz: I read the Attorney General's opinion. It makes it clear that everything on the accident report is an open record. I agree with Vice Chairman Owens that I'm not sure if all of that information needs to be released by the state.

Representative Gruchella: I do some private investigation work. All the information here and more is widely available in twenty seconds on the internet. There is nothing here that is sacred that I can see.

Chairman Ruby: If this bill would pass, could someone get my insurance policy number? Where could someone get it?

Representative Gruchella: I would rather not answer that.

Representative Kreun: The request for this bill came from the Department of Transportation, because of the requests for mass amounts of information they have been getting. If we don't want to give out the information, why not just make a policy that says we don't give out information. South Dakota does that. If they want to come in and get it, but I don't see why we have to send out a weekly report or five years of information.

Chairman Ruby: Could that be done by policy or administrative rule?

Representative Kreun: Quite possibly.

Chairman Ruby: That might be a lot of foot traffic for the Department of Transportation. My insurance company checks all of our records at least once a year by mail.

Representative Kreun: I think that this just says the information is available; it doesn't say you have to send it to them.

**Representative Drovdal seconded the motion for the amendments.
A voice vote was taken. The motion carried. (Vote sheet #1)**

Review of amendment.

**Vice Chairman Owens moved a DO PASS as amended on SB 2310.
Representative Kreun seconded the motion.
A roll call vote was taken. Aye 4 Nay 9 Absent 1 (Vote sheet #2)
The motion failed.**

**Representative Fransvog moved a DO NOT PASS as amended on SB 2310.
Representative Heller seconded the motion.**

Representative Becker: We could still try to get at the concern that was voiced by the Department of Transportation by making it more difficult or more costly to send out bulk requests. If someone wanted to do that, we could hold it and make another amendment in that direction.

Chairman Ruby: I wish I knew if that could be done by policy or administrative rule.

Representative Gruchella: One issue is freedom of the press, and the other is someone asking for thousands of mailing addresses. If there is some way to stop that, maybe the Department of Transportation has a recommendation.

Chairman Ruby: The Department of Transportation should have brought that proposal to us if that was their intent.

Vice Chairman Owens: We addressed the cost issue when we discussed this with the Department of Transportation. It was very complicated and not worth the time or effort.

Chairman Ruby: I thought that maybe the Department of Transportation could refuse to send out weekly reports. Maybe they can't do that. Sometimes they can do some flexible things with administrative rule.

**A roll call vote was taken on SB 2310. Aye 9 Nay 4 Absent 1
The motion carried.
Representative Fransvog will carry SB 2310.**

March 21, 2013

1/9/13
C. H. K.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2310

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 2, after "forms" insert "; and to declare an emergency"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, or the insurer of any party to the accident or the agent of that insurer:

- a. Driver identification number of a party in the report;
- b. Street address of a party in the report;
- c. Telephone number of a party in the report;
- d. Insurance company name and policy number of a party in the report;
and
- e. Date of birth of a party in the report.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

- 6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3-21-13
 Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2310

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 13, 0816, 01004

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Weisz Seconded By Drovdal
Amendment

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					
Rep. Gary Sukut					
Rep. Don Vigesaa					
Rep. Robin Weisz					

Passed

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

attach #1 + add "street" to v line b. beginning of

Date: 3-21-13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2310

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0816.01004

Action Taken: Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider

Motion Made By Owens Seconded By Kreun

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					
Rep. Gary Sukut		✓			
Rep. Don Vigesaa		✓			
Rep. Robin Weisz	✓				

Total (Yes) 4 No 9

Absent 1

Floor Assignment _____

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

Motion failed.

Date: 3/21-13
 Roll Call Vote #: 3

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2310**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0816.01004

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment

Rerefer to Appropriations Reconsider

Motion Made By Frantsvog Seconded By Heller

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) 9 No 4

Absent 1

Floor Assignment Frantsvog

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

REPORT OF STANDING COMMITTEE

SB 2310: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2310 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 2, after "forms" insert "; and to declare an emergency"

Page 1, line 10, remove "In addition, any information contained in the report which"

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and
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SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2013 CONFERENCE COMMITTEE

SB 2310

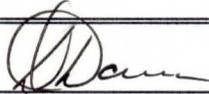
2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2310
4/10/2013
Job #21080

Conference Committee

Committee Clerk Signature



Minutes:

Conference committee on SB2310

Senators: Sitte, Berry, Nelson

Representatives: Owens, Kruen, Gruchalla

Senator Sitte opens the conference committee, all members present

Senator Sitte relays her conversation with Pat Ward that insurance companies need access to the records. Rep. Owens says they were aware of that when they put the final amendments together and their intent in the House was for them to have that ability. He explains that he is trying to protect ND citizen's information. Rep. Kruen believes the language is already in there for them to get the information. Senator Armstrong agrees but thinks it may affect prior or subsequent claims.

Pat Ward - ND Domestic Insurance Companies - Mr. Ward clarifies why they the added language.

Jack McDonald - ND Newspaper Association and Broadcasters - Mr. McDonald is concerned about getting reports for the media.

Committee discusses the personal information going out and the bulk requests. They are concerned with privacy issues.

The committee adjourns and will come back later with an amendment that works for all.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SB2310
4/12/2013
Job #21086

Conference Committee

Committee Clerk Signature



Minutes:

Conference committee on SB2310

Senators - Sitte, Armstrong, Nelson
Representatives - Owens, Kruen, Gruchalla

Senator Sitte re-opens the conference committee and says she and Rep. Owens met with some of the organizations in the room and have come up with an amendment. .01007 (1)
She explains the amendment to the committee. Rep. Owens remarks that they are still protecting key information. He also says the DOT will develop procedures to protect the information they send out. The committee discusses the bulk requests.

Senator Sitte moves the House recede from the House amendments and amend as follows: 13.0816.01007
Rep. Owens seconded

Vote - 6 yes, 0 no
Motion passes

April 10, 2013


4-10-13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2310

That the House recede from its amendments as printed on pages 918 and 919 of the Senate Journal and page 1021 of the House Journal and that Senate Bill No. 2310 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, the insurer of any party to the accident, the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or accident involving a party to the accident:

- a. Driver identification number of a party in the report;
- b. Telephone number of a party in the report;
- c. Insurance company name and policy number of a party in the report;
and
- d. Day and month of birth of a party in the report.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

- 6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09."

Renumber accordingly

Date 4-10-13

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2310 as (re) engrossed

Senate Judiciary Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
13.0816.01007
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: S. Sitte Seconded by: Rep Owens

Senators	4/10		Yes	No	Representatives	4/10		Yes	No
	AM	PM				AM	PM		
Sitte	X	X	X		Owens	X	X	X	
Armstrong	X	X	X		Kruen	X	X	X	
Nelson	X	X	X		Gruchalla	X	X	X	
Total Senate Vote					Total Rep. Vote				

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Sitte House Carrier Owens

LC Number _____ of amendment

LC Number 13.0816 . 01007 of engrossment

REPORT OF CONFERENCE COMMITTEE

SB 2310: Your conference committee (Sens. Sitte, Armstrong, Nelson and Reps. Owens, Kreun, Gruchalla) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 918-919, adopt amendments as follows, and place SB 2310 on the Seventh order:

That the House recede from its amendments as printed on pages 918 and 919 of the Senate Journal and page 1021 of the House Journal and that Senate Bill No. 2310 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, the insurer of any party to the accident, the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a prior or subsequent claim or accident involving a party to the accident:

- a. Driver identification number of a party in the report;
- b. Telephone number of a party in the report;
- c. Insurance company name and policy number of a party in the report;
and
- d. Day and month of birth of a party in the report.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

- 6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09."

Renumber accordingly

SB 2310 was placed on the Seventh order of business on the calendar.

2013 TESTIMONY

SB 2310

SENATE JUDICIARY COMMITTEE
February 4, 2013 – 10:45 a.m. – Fort Lincoln Room

North Dakota Department of Transportation
Mark Nelson, Safety Division Director
SB2310

Mr. Chairman and member of the committee, my name is Mark Nelson, and I serve as the Director of the Safety Division at the North Dakota Department of Transportation (NDDOT). Thank you for allowing me the opportunity to present information to you today.

SB2310 addresses the issue of what information contained in a crash report remains an exempt record under section 44-04-17.1. Recently, a request for crash information has been made to our agency asking for one year of crash data for all crashes occurring within a certain city; and the most recent request is for all crashes occurring statewide for the past five years. The agencies requesting this information are specifically requesting that the personal identifiers be included. You will see a copy of a crash report and all the data that will be released to these parties in Exhibit A.

In response to these types of requests, the DOT requested an Attorney General’s opinion to determine what information is protected. Our reasoning behind making this request focused on several key factors:

1. To insure that we as an agency were not violating statute by releasing the information
2. Concern regarding potential identity theft of persons involved in crashes
3. Clarification of legislative intent as to whether this type of information should be considered open record?

The opinion affirmed that under current statute, the information being requested is open record and must be released.

After this ruling and given the growing problem of identity theft, DOT wanted to introduce this topic to the legislative body to revisit the issue of open records in this instance. We would appreciate guidance on whether this body feels we should release this information when we get these types of inquiries.

Thank-you Mr. Chairman, I would be happy to answer any questions at this time.

MOTOR VEHICLE CRASH REPORT
 North Dakota Department of Transportation
 Drivers License & Traffic Safety
 SFN 2355 (Rev. 05-2009)

023550409

NDDOT USE ONLY	
CRASH NO.	RPT. SEQ.

Form _____
 Of _____

A	AGENCY	Crash Date (M / D / Y)	Time (24 HR)	Offic r No.	Officer Name	Agency Name	Agency Report No.									
		Police Notified (M / D / Y)	Time (24 HR)	Emergency Unit Responding		Emg. Unit No.	Agency ORI									
B	LOCATION	County	Co. Code	City Code	City	R / U	Function	Township	Range							
		Highway	Hundredths Mi / Km	From Reference Point (Mile Marker)	Toward Reference Point (Mile Marker)	Lat / Long Decimal Degrees		N								
C	LOCATION	(Street Name)		At Intersection With		(Street Name)		W								
		Or FT / M From		(Intersecting Street)		Toward		(Intersecting Street)								
D	UNIT 1 / STRIKING UNIT	Operator Name (Last, First, MI)				Owner Name if not operator (Last, First, MI)										
		Address		Phone		Address if different from operator		Phone								
E	UNIT 1 / STRIKING UNIT	City		State	Zip	City		State	Zip							
		Operator License Number	Class	Rest	St Iss	DOB (M / D / Y)	Plate Number	State	Make	Year						
F	UNIT 1 / STRIKING UNIT	Insurance Code (NDDOT use Only)	Policy Number		Insurance Company Name (Not Agent)											
		Damage Amount \$	Insured by <input type="checkbox"/> Owner <input type="checkbox"/> Driver	Card Issued <input type="checkbox"/> Yes	Spd Lmt	DVR Number	VIN (Out-of-State Vehicles / Vehicles w/o Plates)		Retesting <input type="checkbox"/> Yes **							
G	UNIT 2 / OTHER UNIT	Operator Name (Last, First, MI)				Owner Name if not operator (Last, First, MI)										
		Address		Phone		Address if different from operator		Phone								
H	UNIT 2 / OTHER UNIT	City		State	Zip	City		State	Zip							
		Operator License Number	Class	Rest	St Iss	DOB (M / D / Y)	Plate Number	State	Make	Year						
I	UNIT 2 / OTHER UNIT	Insurance Code (NDDOT use Only)	Policy Number		Insurance Company Name (Not Agent)											
		Damage Amount \$	Insured by <input type="checkbox"/> Owner <input type="checkbox"/> Driver	Card Issued <input type="checkbox"/> Yes	Spd Lmt	DVR Number	VIN (Out-of-State Vehicles / Vehicles w/o Plates)		Retesting <input type="checkbox"/> Yes **							
J	TRUCK / BUS / HAZARDOUS	Complete this section for trucks (including pickups) over 10,000 # gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) AND for vehicles designed to transport 9 or more people counting the driver AND for vehicles displaying a hazardous placard or transporting hazardous cargo. DO NOT COMPLETE IF THE VEHICLE IS BEING USED FOR PRIVATE/NON-BUSINESS PURPOSES ONLY. Refer to guide for completing this section or call (701)328-4404.							Unit No.							
		Carrier Name	Carrier's Identification Number (USDOT)			Is Carrier Interstate?		<input type="checkbox"/> Yes <input type="checkbox"/> No								
K	TRUCK / BUS / HAZARDOUS	Carrier's Address	Phone	Source of Carrier Name		<input type="checkbox"/> Side of Vehicle <input type="checkbox"/> Shipping Papers or Trip Manifest (Bus) <input type="checkbox"/> Driver <input type="checkbox"/> Log Book										
		City	State	Zip	GVWR	GCWR	Lbs.	Axes on Vehicle (Including Trailer)								
L	TRUCK / BUS / HAZARDOUS	Hazardous Materials Placard?		Haz. Mat. 4-Digit No.	Haz. Mat. 1-Digit No.	Was Hazardous Cargo From Vehicle Released? (Do Not Count Fuel From Fuel Tank) <input type="checkbox"/> Yes <input type="checkbox"/> No										
		<input type="checkbox"/> Yes <input type="checkbox"/> No		Hazardous Material Name		Estimate Total Length (Feet / Meter) From Front Bumper to end of Last Trailer										
M	TRUCK / BUS / HAZARDOUS	Other Prop. Damage	Action Sequence, Citations, and Damage		Vehicle 1	VEHMT	CONFAC	CONFAC	CONFAC	CITATN	EVAAC	DVRCON	DAMAGE	EXTDEF	TOWED	
				Vehicle 2												
N	OPERATOR	UNIT	SEAT	AGE	SEX	ADI	AT	DT	SAFETY EQUIP.	AIR BAG	INJ.	TMF	EJC. EXT.	OCCUPANT, WITNESS, PROPERTY OWNER NAME, ADDRESS, PHONE, PROPERTY DESCRIPTION		
		1														
O	OPERATOR	2														
P	OCCUPANT, WT., PROP															
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2	OCCUPANT, WT., PROP															
3	OCCUPANT, WT., PROP															

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NOTE: If more than two units (or six occupant / witnesses) are involved, use an extra form, and attach it to the original.

*Describe or Explain in Narrative

** Explain in REQUEST FOR RE-EXAMINATION Form.

/

**LETTER OPINION
2013-L-01**

January 23, 2013

Mr. Grant Levi
Interim Director
North Dakota Department of Transportation
608 E Boulevard Ave
Bismarck, ND 58505-0700

Dear Mr. Levi:

Thank you for your October 19, 2012, letter requesting an opinion as to whether the personal information contained in a motor vehicle accident report, prepared pursuant to N.D.C.C. § 39-08-10, is protected from being disclosed to a requester under the open records law. It is my opinion that the personal information contained in a motor vehicle accident report is not protected information and is subject to disclosure by the Department of Transportation ("Department").

ANALYSIS

You indicate a law firm requested motor vehicle accident records with the intention of using the information to send individuals involved a general brochure about the law firm. Your concern is that if the motor vehicle accident records are released, the citizens of North Dakota may fall victim to identity theft and unwanted solicitations or marketing efforts.

"Except as otherwise specifically provided by law, all records of a public entity are public records, open and accessible for inspection during reasonable office hours."¹ For an exception to the open records law to apply, it must be specific, and the Legislature must directly address the status of the record in question.²

The motor vehicle accident records in question are generated pursuant to statute, which require a law enforcement officer to complete a report of an accident in the form

¹ N.D.C.C. § 44-04-18(1).

² Hovet v. Hebron Pub. Sch. Dist., 419 N.W.2d 189 (N.D. 1988).

dictated by the director.³ The first page of the report contains identifying information, including personal information as defined by N.D.C.C. § 39-33-01(8), for the operators and owners of the vehicles involved in the accident. The second page of the report includes an area for the law enforcement officer to draw a diagram of the accident and provide a narrative. This narrative may include the law enforcement officer's opinion as to fault or responsibility for the accident.

The Legislature specifically provided that "reports required to be forwarded by law enforcement officials and the information contained therein shall not be privileged or held confidential."⁴ Only the portion of the report that provides the law enforcement officer's opinion is confidential and not subject to disclosure by the law enforcement agency or by the Department.⁵ The director of the law enforcement agency may furnish the requester a copy of the portion of the accident report which does not disclose the opinion of the officer for a fee of \$2.⁶

However, you are concerned that release of the requested records is contrary to the Driver and Motor Vehicle Record Privacy law contained in N.D.C.C. ch. 39-33 (privacy law). The privacy law states that "the department may not knowingly disclose personal information . . . obtained by the department in connection with a motor vehicle record."⁷ You ask whether an accident report is considered a "motor vehicle record."

"Motor vehicle record" is defined in the privacy law as "any record that pertains to a motor vehicle operator's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by the department, or other state or local agency authorized to issue any of such forms of credentials."⁸ Although, if read broadly, this definition arguably could include the motor vehicle accident report, at least one court has ruled that an accident report is not a "motor vehicle record" under the privacy law.⁹

The intent of the Legislature to exclude an accident report from the privacy law is illustrated in the definition of "[p]ersonal information" which is defined as "information that identifies a person, including . . . name, address, [and] telephone number The

³ N.D.C.C. § 39-08-10.

⁴ N.D.C.C. § 39-08-13(4).

⁵ *Id.*

⁶ N.D.C.C. § 39-08-13(6).

⁷ N.D.C.C. § 39-33-02.

⁸ N.D.C.C. § 39-33-01(6).

⁹ Mattivi v. Russell, 2002 WL 31949898 (D. Colo.) ("I also conclude that the plain language of exception in section 2725(e) makes clear that Congress did not intend 'information on vehicular accidents' to be included within the Act's prohibition of disclosure of 'personal information'").

LETTER OPINION 2013-L-01

January 23, 2013

Page 3

term does not include . . . information on vehicular accidents"¹⁰ This specific exclusion is consistent with the directive in N.D.C.C. § 39-08-13(4) that personal information contained in the accident reports shall not be privileged or confidential.

It is therefore my opinion that the privacy law found in N.D.C.C. ch. 39-33 does not protect personal information included in a report of a motor vehicle accident made by a law enforcement officer.¹¹ Thus, it is further my opinion that a motor vehicle accident record is an open record and must be provided upon request and payment of the statutorily allowed fee.

Sincerely,

Wayne Stenehjem
Attorney General

vkk

This opinion is issued pursuant to N.D.C.C. § 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts.¹²

¹⁰ N.D.C.C. § 39-33-01(8).

¹¹ But see, N.D.C.C. § 44-04-28. (Social security numbers are confidential).

¹² See State ex rel. Johnson v. Baker, 21 N.W.2d 355 (N.D. 1946).

IN SUPPORT OF SB 2310

WITH AMENDMENT

Dale Haake Representing Nodak Mutual Insurance

Chairman Ruby, members of the House Transportation Committee, my name is Dale Haake, and I am the Director of Casualty Claims at Nodak Mutual Insurance in Fargo. I am here today to speak in support of SB 2310 as I feel it will help to reduce the unwarranted solicitation of litigation. I do, however, ask that a small amendment be added to this bill in order to allow for thorough investigations and reduce the chance of insurance fraud.

In the course of investigating claims of injury, it is often discovered that the claiming party has been involved in other accidents, either prior to the one we are dealing with or subsequent to it. Access to this information is vital in determining exactly what injuries are related to the accident in question and what injuries relate to other causes. The reports help identify the insurance carriers involved, manner of impact, witnesses, and injury claimed. To bar my insured access to these other accident reports would serve not only to bar him from a proper defense of the claim that is being made against him, but it would also serve to assist the claiming party in the defrauding of my insured. Accordingly, I would ask that the final sentence of this bill read:

“In addition, any information contained in the report which identifies an individual, including a driver identification number, name, address, or telephone number, is an exempt record as defined under section 44-04-17.1 unless the requester is a party to the accident, a party’s legal representative, the insurer of any party to the accident, or the legal representative or insurer of an individual against whom a party to the accident is making a claim.”

I wish to thank the committee for the opportunity to express my request, and I would be glad to answer any questions you may have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2310

Page 1, line 13, remove "or"

Page 1, line 14, after "accident" insert ", or the legal representative or insurer of an individual against whom a party to the accident is making a claim"

Renumber accordingly

#2



Elsevier
LexisNexis
Reed Business

To: Representative Dan Ruby
Chair, House Committee on Transportation
North Dakota House of Representatives

Members of the House Committee on Transportation

From: Luke D. Rollins
Sr. Manager, State Government Affairs-Midwest, Reed Elsevier Inc.

Date: March 7, 2013

RE: Testimony for SB 2310

Mr. Chairman and Members of the committee, on behalf of Reed Elsevier and its division, LexisNexis, thank you for the opportunity to express our support for SB 2310 and to request an amendment.

LexisNexis is a recognized leader in information technology. We play a vital role in supporting government, law enforcement and business customers who use our information services to: investigate and resolve motor vehicle insurance claims; detect and prevent identity theft and fraud; find missing persons; and investigate criminal activities. As a primary provider of information to the insurance industry, LexisNexis manages information from motor vehicle accident reports gathered from law enforcement agencies to ensure that auto insurance claims are processed in a timely and efficient manner.

Entities like LexisNexis help insurers compile the information needed to keep current with their policyholders and process claims quickly. We believe that auto insurance claims processing in ND will be unduly delayed and compromised, ultimately preventing state residents from promptly resuming their daily routines following an accident without insurance support organization (ISO) access to full un-redacted accident reports. Insurance companies are not adequately staffed to handle the process of requesting accident reports themselves. They therefore typically farm that service to firms like LN that specialize in that service to expedite the process.

1150 18th Street, NW, Suite 600, Washington, DC 20036 (202) 857-4643 (phone) (202) 857-8294 (fax)

Here is our recommendation for amendment:

Page 1, line 13, remove "or"

Page 1, line 14, after "accident" insert ", or an insurance support organization"

The engrossed bill would read as follows:

In addition, any information contained in the report which identifies an individual, including a driver identification number, name, address, or telephone number, is an exempt record as defined under section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, ~~or~~ the insurer of any party to the accident, or an insurance support organization.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Luke D. Rollins". The signature is written in a cursive, somewhat stylized font.

Luke D. Rollins
Sr. Manager of State Government Affairs-Midwest
Reed Elsevier

HOUSE TRANSPORTATION COMMITTEE
March 7, 2013
10:30 a.m. – Fort Totten Room

North Dakota Department of Transportation
Mark Nelson, Safety Division Director

SB2310

Mr. Chairman and member of the committee, my name is Mark Nelson, and I serve as the Director of the Safety Division at the North Dakota Department of Transportation (NDDOT). Thank you for allowing me the opportunity to present information to you today.

SB2310 addresses the issue of what information contained in a crash report remains an exempt record under section 44-04-17.1. Recently, requests for crash information have been made to our agency asking for all crashes that have occurred statewide; in one case five years of data is being requested. Additionally, we have received a request for all crashes within a one month period which has now turned into a recurring weekly request of all injury and fatal crashes. Attached is a copy of a crash report and all the data that will be released to these parties in exhibit A.

In response to these types of requests being made, the NDDOT requested an Attorney General's opinion to determine what information is protected. Our reasoning behind making this request focused on several key factors:

1. To insure that we as an agency were not violating statute by releasing the information
2. Concern regarding potential identity theft of persons involved in crashes
3. Clarification of legislative intent as to whether this type of information should be considered open record?

The Attorney General opinion affirmed that under current statute, the information being requested is open record and must be released.

After this opinion, and given the growing problem of identity theft, DOT wanted to introduce this topic to the legislative body to revisit the issue of open records in this instance. We would appreciate guidance on whether the legislature feels we should release this information when we get these types of inquires.

Thank-you Mr. Chairman, I would be happy to answer any questions at this time.

MOTOR VEHICLE CRASH REPORT
 North Dakota Department of Transportation
 Drivers License & Traffic Safety
 SFN 2355 (Rev. 05-2009)

023550409

NDDOT USE ONLY	
CRASH NO.	RPT. SEQ.

Form _____
 Cf _____

A	AGENCY	Crash Date (M / D / Y)	Time (24 HR)	Officer No.	Officer Name	Agency Name	Agency Report No.								
		Police Notified (M / D / Y)	Time (24 HR)	Emergency Unit Responding		Emg. Unit No.	Agency ORI								
B	LOCATION	County	Co. Code	City Code	City	R / U	Function	Township	Range						
		Highway	Hundredths Mi / Km	From Reference Point (Mile Marker)		Toward Reference Point (Mile Marker)		Lat / Long Decimal Degrees							
C	LOCATION	(Street Name)		At Intersection With		(Street Name)		W							
		Or FT / M From		(Intersecting Street)		Toward		(Intersecting Street)							
D	UNIT 1 / STRIKING UNIT	Operator Name (Last, First, MI)				Owner Name if not operator (Last, First, MI)									
		Address		Phone		Address if different from operator		Phone							
E	UNIT 1 / STRIKING UNIT	City		State	Zip	City		State	Zip						
		Operator License Number		Class	Rest	St Iss	DOB (M / D / Y)	Plate Number	State	Make	Year				
F	UNIT 1 / STRIKING UNIT	Insurance Code (NDDOT use Only)		Policy Number		Insurance Company Name (Not Agent)									
		Damage Amount \$	Insured by <input type="checkbox"/> Owner <input type="checkbox"/> Driver		Card Issued <input type="checkbox"/> Yes	Spd Lmt	DVR Number	VIN (Out-of-State Vehicles / Vehicles w/o Plates)		Retesting <input type="checkbox"/> Yes **					
G	UNIT 2 / OTHER UNIT	Operator Name (Last, First, MI)				Owner Name if not operator (Last, First, MI)									
		Address		Phone		Address if different from operator		Phone							
H	UNIT 2 / OTHER UNIT	City		State	Zip	City		State	Zip						
		Operator License Number		Class	Rest	St Iss	DOB (M / D / Y)	Plate Number	State	Make	Year				
I	UNIT 2 / OTHER UNIT	Insurance Code (NDDOT use Only)		Policy Number		Insurance Company Name (Not Agent)									
		Damage Amount \$	Insured by <input type="checkbox"/> Owner <input type="checkbox"/> Driver		Card Issued <input type="checkbox"/> Yes	Spd Lmt	DVR Number	VIN (Out-of-State Vehicles / Vehicles w/o Plates)		Retesting <input type="checkbox"/> Yes **					
J	TRUCK / BUS / HAZARDOUS	Complete this section for trucks (including pickups) over 10,000 # gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) AND for vehicles designed to transport 9 or more people counting the driver AND for vehicles displaying a hazardous placard or transporting hazardous cargo. DO NOT COMPLETE IF THE VEHICLE IS BEING USED FOR PRIVATE/NON-BUSINESS PURPOSES ONLY. Refer to guide for completing this section or call (701)328-4404.							Unit No.						
		Carrier Name			Carrier's Identification Number (USDOT)			Is Carrier Interstate? <input type="checkbox"/> Yes <input type="checkbox"/> No							
K	TRUCK / BUS / HAZARDOUS	Carrier's Address		Phone	Source of Carrier Name <input type="checkbox"/> Side of Vehicle <input type="checkbox"/> Shipping Papers or Trip Manifest (Bus)		<input type="checkbox"/> Driver <input type="checkbox"/> Log Book								
		City	State	Zip	GVWR	GCWR	Lbs.	Axes on Vehicle (Including Trailer)							
L	TRUCK / BUS / HAZARDOUS	Hazardous Materials Placard? <input type="checkbox"/> Yes <input type="checkbox"/> No		Haz. Mat. 4-Digit No.	Haz. Mat. 1-Digit No.	Was Hazardous Cargo From Vehicle Released? (Do Not Count Fuel From Fuel Tank) <input type="checkbox"/> Yes <input type="checkbox"/> No									
		Hazardous Material Name		Estimate Total Length (Feet / Meter) From Front Bumper to end of Last Trailer											
M	TRUCK / BUS / HAZARDOUS	Other Prop. Damage	Action Sequence, Citations, and Damage		Vehicle 1	VEHMVT	CONFAC	CONFAC	CONFAC	CITATN	EVAECT	DVRCON	DAMAGE	EXTDEF	TOWED
				Vehicle 2											
N	OPERATOR	UNIT	SEAT	AGE	SEX	ADI	AT	DT	SAFETY EQUIP.	AIR BAG	INJ.	TMF	EJC. EXT.	OCCUPANT, WITNESS, PROPERTY OWNER NAME, ADDRESS, PHONE, PROPERTY DESCRIPTION	
		1													
O	OPERATOR	2													
P	OCCUPANT, WIT, PROP														
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NOTE: If more than two units (or six occupant / witnesses) are involved, use an extra form, and attach it to the original.
 *Describe or Explain in Narrative * * Explain in REQUEST FOR RE-EXAMINATION Form.

**LETTER OPINION
2013-L-01**

January 23, 2013

Mr. Grant Levi
Interim Director
North Dakota Department of Transportation
608 E Boulevard Ave
Bismarck, ND 58505-0700

Dear Mr. Levi:

Thank you for your October 19, 2012, letter requesting an opinion as to whether the personal information contained in a motor vehicle accident report, prepared pursuant to N.D.C.C. § 39-08-10, is protected from being disclosed to a requester under the open records law. It is my opinion that the personal information contained in a motor vehicle accident report is not protected information and is subject to disclosure by the Department of Transportation ("Department").

ANALYSIS

You indicate a law firm requested motor vehicle accident records with the intention of using the information to send individuals involved a general brochure about the law firm. Your concern is that if the motor vehicle accident records are released, the citizens of North Dakota may fall victim to identity theft and unwanted solicitations or marketing efforts.

"Except as otherwise specifically provided by law, all records of a public entity are public records, open and accessible for inspection during reasonable office hours."¹ For an exception to the open records law to apply, it must be specific, and the Legislature must directly address the status of the record in question.²

The motor vehicle accident records in question are generated pursuant to statute, which require a law enforcement officer to complete a report of an accident in the form

¹ N.D.C.C. § 44-04-18(1).

² Hovet v. Hebron Pub. Sch. Dist., 419 N.W.2d 189 (N.D. 1988).

dictated by the director.³ The first page of the report contains identifying information, including personal information as defined by N.D.C.C. § 39-33-01(8), for the operators and owners of the vehicles involved in the accident. The second page of the report includes an area for the law enforcement officer to draw a diagram of the accident and provide a narrative. This narrative may include the law enforcement officer's opinion as to fault or responsibility for the accident.

The Legislature specifically provided that "reports required to be forwarded by law enforcement officials and the information contained therein shall not be privileged or held confidential."⁴ Only the portion of the report that provides the law enforcement officer's opinion is confidential and not subject to disclosure by the law enforcement agency or by the Department.⁵ The director of the law enforcement agency may furnish the requester a copy of the portion of the accident report which does not disclose the opinion of the officer for a fee of \$2.⁶

However, you are concerned that release of the requested records is contrary to the Driver and Motor Vehicle Record Privacy law contained in N.D.C.C. ch. 39-33 (privacy law). The privacy law states that "the department may not knowingly disclose personal information . . . obtained by the department in connection with a motor vehicle record."⁷ You ask whether an accident report is considered a "motor vehicle record."

"Motor vehicle record" is defined in the privacy law as "any record that pertains to a motor vehicle operator's license or permit, motor vehicle registration, motor vehicle title, or identification document issued by the department, or other state or local agency authorized to issue any of such forms of credentials."⁸ Although, if read broadly, this definition arguably could include the motor vehicle accident report, at least one court has ruled that an accident report is not a "motor vehicle record" under the privacy law.⁹

The intent of the Legislature to exclude an accident report from the privacy law is illustrated in the definition of "[p]ersonal information" which is defined as "information that identifies a person, including . . . name, address, [and] telephone number The

³ N.D.C.C. § 39-08-10.

⁴ N.D.C.C. § 39-08-13(4).

⁵ *Id.*

⁶ N.D.C.C. § 39-08-13(6).

⁷ N.D.C.C. § 39-33-02.

⁸ N.D.C.C. § 39-33-01(6).

⁹ Mattivi v. Russell, 2002 WL 31949898 (D. Colo.) ("I also conclude that the plain language of exception in section 2725(e) makes clear that Congress did not intend 'information on vehicular accidents' to be included within the Act's prohibition of disclosure of 'personal information'").

LETTER OPINION 2013-L-01

January 23, 2013

Page 3

term does not include . . . information on vehicular accidents”¹⁰ This specific exclusion is consistent with the directive in N.D.C.C. § 39-08-13(4) that personal information contained in the accident reports shall not be privileged or confidential.

It is therefore my opinion that the privacy law found in N.D.C.C. ch. 39-33 does not protect personal information included in a report of a motor vehicle accident made by a law enforcement officer.¹¹ Thus, it is further my opinion that a motor vehicle accident record is an open record and must be provided upon request and payment of the statutorily allowed fee.

Sincerely,

Wayne Stenehjem
Attorney General

vkk

This opinion is issued pursuant to N.D.C.C. § 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts.¹²

¹⁰ N.D.C.C. § 39-33-01(8).

¹¹ But see, N.D.C.C. § 44-04-28. (Social security numbers are confidential).

¹² See State ex rel. Johnson v. Baker, 21 N.W.2d 355 (N.D. 1946).

#4

Transportation Committee

Senate Bill 2310

Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

Good Morning

Chairman Ruby, Vice Chair Owens and members of the Committee, for the record my name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I am testifying today in support of Senate Bill 2310.

Within the past year the West Fargo Police Department was contacted by a local chiropractic services provider. His request was for the department to provide him a copy of all traffic crash reports involving an injury. The individual had made a similar request with the Fargo Police Department. After some additional questioning it was determined his intent was to send a mailer to the parties involved in the crash. We initially declined to provide the information until we had the opportunity to speak with the Department of Transportation.

In speaking with DOT there seemed to be a conflict in language between 39-08-13 indicating the report as an open record and 39-08-14 which indicated the information was confidential. An Attorney General's opinion was later filed indicating the information to be an open record and we would be required to release the report.

I do not believe a report required by the state relating to your misfortune of being involved in a traffic crash should be available to another for the purpose of soliciting business. Your personal information should be protected. I ask you to please vote yes on Senate Bill 2310.

Thank you for your time this morning. I will take any questions you may have.

Thursday, March 07, 2013

HOUSE TRANSPORTATION COMMITTEE
SB 2310

CHAIRMAN RUBY AND COMMITTEE MEMBERS:

My name is Jack McDonald. I appear today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We OPPOSE SB 2310 in its current form, but would support it with the amendment below.

This information has been public since the inception of accident reports. These reports enable the media to provide the public with prompt and accurate information concerning accidents. Closing this information just makes it harder to report accurately on information the public wants. I'm sure if there was a traffic accident in your home towns that involved several local residents and possibly some deaths you would want quick and accurate information about the accident.

This bill, as introduced, forces the media to rely on second-hand information. The public will not be well served. There will still be a story about the accident, it will just be more difficult to get information about the accident that is as accurate and complete as the media would like and the public deserve.

DOT's main concern is with bulk requests for this information. This was the same concern of State Radio regarding its very sophisticated – and expensive – seamless map of North Dakota in SB 2334. That problem was solved with an amendment similar to what we are proposing that would keep the information public but would allow DOT to establish a fee schedule for bulk requests.

Therefore, we respectfully ask you to amend this bill as follows and then give it a unanimous DO PASS. If you have any questions, I will be happy to try to answer them.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENTS TO SB 2310

Page 1, line 10, after "5." delete the remainder of the line and insert "The report is an open record. The department shall, by administrative rule, determine a fee schedule for bulk requests of the reports. For purposes of this section, a bulk request shall be a request for five or more copies at any one time."

Page 1, remove lines 11 through 14

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2310

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 2, after "forms" insert "; and to declare an emergency"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, the insurer of any party to the accident, or the agent of that insurer:

- a. Driver identification number of a party in the report;
- b. Street Address of a party in the report;
- c. Telephone number of a party in the report;
- d. Insurance company name and policy number of a party in the report;
and
- e. Date of birth of a party in the report.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

- 6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Gruchalla, Edmund A.

From: Butts, Linda N.
Sent: Wednesday, March 13, 2013 12:00 PM
To: Owens, Mark S.; Drovdal, David O.; Gruchalla, Edmund A.
Cc: Nelson, Mark A.; Jackson, Glenn E.; Levi, Grant N.; Oehlke, H. Dave; Ruby, Dan J.
Subject: crash report and how surrounding states would handle requests-Owen, Drovdah, Gruchalla

Dear Rep. Owens, Drovdal, and Gruchalla,

You have all asked us how surrounding states would handle the request for bulk crash data. We queried Minnesota, Montana and South Dakota. Following are their responses.

Montana: "We do not provide any personal identifiers that could be followed up by any company or individuals." I have attached a sample of what they would release.

South Dakota: South Dakota would not honor a request for weekly mailings or selling in mass quantity of accident reports.
The South Dakota statute sets the fee for a "search and furnishing" the accident report.

32-34-13. Accident reports not privileged--Fees for locating and furnishing reports. Reports pursuant to §§ 32-34-7 to 32-34-12, inclusive, and the information contained in such reports is not privileged and may not be held confidential. The secretary of public safety shall collect four dollars for each request to locate a report on file. The secretary shall furnish to any person requesting a search, at no additional cost, any report located by the search. All sums collected shall be deposited in the state highway fund.

One person or business requesting would have to request each report individually, supply payment and then the full report would be given. Requests for weekly or volume requests without specific driver information would be denied.

Minnesota: Minnesota has statutes which restrict access to crash reports.

Minn. Stat. § 169.09, Subd. 13. Reports confidential; evidence, fee, penalty, appropriation.

(a) All reports and supplemental information required under this section must be for the use of the commissioner of public safety and other appropriate state, federal, county, and municipal governmental agencies for accident analysis purposes, except:

(1) upon written request, the commissioner of public safety or any law enforcement agency shall disclose the report required under subdivision 8 to:

- (i) any individual involved in the accident, the representative of the individual's estate, or the surviving spouse, or one or more surviving next of kin, or a trustee appointed under section 573.02;
- (ii) any other person injured in person, property, or means of support, or who incurs other pecuniary loss by virtue of the accident;
- (iii) legal counsel of a person described in item (i) or (ii); or
- (iv) a representative of the insurer of any person described in item (i) or (ii);

(2) the commissioner of public safety shall, upon written request, provide the driver filing a report under subdivision 7 with a copy of the report filed by the driver;

(3) the commissioner of public safety may verify with insurance companies vehicle insurance information to enforce sections 65B.48, 169.792, 169.793, 169.796, and 169.797;

(4) the commissioner of public safety shall provide the commissioner of transportation the information obtained for each traffic accident involving a commercial motor vehicle, for purposes of administering commercial vehicle safety regulations;

(5) upon specific request, the commissioner of public safety shall provide the commissioner of transportation the information obtained regarding each traffic accident involving damage to identified state-owned infrastructure, for purposes of debt collection under section 161.20, subdivision 4; and

(6) the commissioner of public safety may give to the United States Department of Transportation commercial vehicle accident information in connection with federal grant programs relating to safety.

(b) Accident reports and data contained in the reports are not discoverable under any provision of law or rule of court. No report shall be used as evidence in any trial, civil or criminal, or any action for damages or criminal proceedings arising out of an accident. However, the commissioner of public safety shall furnish, upon the demand of any person who has or claims to have made a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the commissioner solely to prove compliance or failure to comply with the requirements that the report be made to the commissioner.

(c) Nothing in this subdivision prevents any individual who has made a report under this section from providing information to any individuals involved in an accident or their representatives or from testifying in any trial, civil or criminal, arising out of an accident, as to facts within the individual's knowledge. It is intended by this subdivision to render privileged the reports required, but it is not intended to prohibit proof of the facts to which the reports relate.

(d) Disclosing any information contained in any accident report, except as provided in this subdivision, section 3.82, subdivision 3 or 6, or other statutes, is a misdemeanor.

(e) The commissioner of public safety shall charge authorized persons as described in paragraph (a) a \$5 fee for a copy of an accident report. Ninety percent of the \$5 fee collected under this paragraph must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund. The commissioner may also furnish an electronic copy of the database of accident records, which must not contain personal or private data on an individual, to private agencies as provided in paragraph (g), for not less than the cost of preparing the copies on a bulk basis as provided in section 13.03, subdivision 3.

(f) The fees specified in paragraph (e) notwithstanding, the commissioner and law enforcement agencies shall charge commercial users who request access to response or incident data relating to accidents a fee not to exceed 50 cents per record. "Commercial user" is a user who in one location requests access to data in more than five accident reports per month, unless the user establishes that access is not for a commercial purpose. Of the money collected by the commissioner under this paragraph, 90 percent must be deposited in the special revenue fund and credited to the driver services operating account established in section 299A.705 and ten percent must be deposited in the general fund.

(g) The fees in paragraphs (e) and (f) notwithstanding, the commissioner shall provide an electronic copy of the accident records database to the public on a case-by-case basis using the cost-recovery charges provided for under section 13.03, subdivision 3. The database provided must not contain personal or private data on an individual. However, unless the accident records database includes the vehicle identification number, the commissioner shall include the vehicle registration plate number if a private agency certifies and agrees that the agency:

(1) is in the business of collecting accident and damage information on vehicles;

(2) will use the vehicle registration plate number only for identifying vehicles that have been involved in accidents or damaged, to provide this information to persons seeking access to a vehicle's history and not for identifying individuals or for any other purpose; and

(3) will be subject to the penalties and remedies under sections 13.08 and 13.09.

Subd. 14. Penalties.

(a) The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:

(1) if the accident results in the death of any individual, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both;

(2) if the accident results in great bodily harm to any individual, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than two years, or to payment of a fine of not more than \$4,000, or both; or

(3) if the accident results in substantial bodily harm to any individual, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(b) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.

(c) Any person who violates subdivision 2, 3, 4, 5, 7, 8, 11, or 12 is guilty of a misdemeanor.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Linda Butts
Deputy Director for Driver and Vehicles Services
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700
Office 701-328-2727
lnbutts@nd.gov



Wheeler Wolf

ATTORNEYS

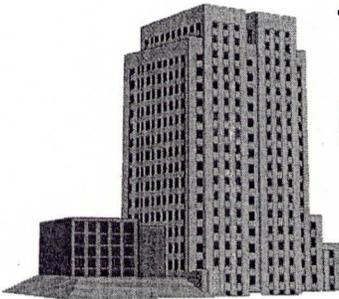
Attorneys
Albert A. Wolf
Jack McDonald

Legal Assistant
Dianne M. Taix, CLAS

220 North Fourth Street • P.O. Box 1776 • Bismarck, ND 58502-1776 • (701) 751-1776 • Fax (701) 751-1777

#3

MEMO



TO: House Transportation Committee
FROM: Jack McDonald
RE: SB 2310

I'm asking that you that you either kill SB 2310, or in the alternative accept the amendments I previously submitted. The information Rep. Owens is seeking to exclude from North Dakota citizens but make available to insurance companies and other businesses who want to make money from these records is available from practically every other public record kept by the state as you can see from the attachments, and of course is also available in the phone book.

SB 2310 doesn't protect anything! Additionally the info is available to anyone to whom you have to show your driver's license for identification, either to cash a check, to vote, to get into the rock concerts you all attend or for any other purposes. Just kill SB 2310.

You are here: Home > Appraisal

Welcome to the Bismarck Assessing Division

Property Information

[Return to Search](#)

LAST UPDATED FRIDAY, MARCH 08, 2013

Parcel Number:
Property Address:
Property Class:
Ownership Information:

Lot Number:
Block Number:
Addition:

Exemption: No
For additional exemption information call 701-355-1630.

Market Value: \$196,600.00
Market value is subject to change due to any physical change to the property or change in property status prior to February 1st.

Tax Estimate: \$2,795.49
Tax estimate is subject to change due to any physical change to the property or change in property status prior to February 1st. Tax estimate is also subject to change due to mill levy changes.

Your Special Assessments

Multiple Buildings: No
Year Built: 1961
Property Type: SINGLE FAMILY
Style: 1 STORY
Main Floor SF: 1,709
Total Square Footage: 1,709.00
Basement Finish 1281
SF Level 1:
Basement Finish 0
SF Level 2:
Total Garage Stalls: 2
Heating Type:
Deck/Patio (yes/no):
Central Air (yes/no): Yes
Fireplace (yes/no): Yes

Room Count:

	Rooms	Bedrooms	Bath Rooms
Main Floor	6	3	2
Basement 1	3	1	1

Land Information:**Zoning:** R5 RESIDENTIAL SINGLE FAMILY**Lot Front:** 80.00**Lot Rear:** 80.00**Average Depth:** 130**Lot Sq Ft:** 10,400.00**Bismarck Assessing Division Disclaimer**

The Bismarck Assessing Division may provide property information to the public "as is" without warranty of any kind, expressed or implied. Assessed values are subject to change by the assessor and Boards of Equalization (city, county, or state). Additionally, statutory exemptions may affect the taxable values. Location information contained on this site is used to identify, locate, and inventory parcels of land in the City of Bismarck for assessing purposes only and is NOT to be construed as a "legal description".

In no event will the City of Bismarck Assessing Division be liable to anyone for damages arising from the use of the property data. You assume responsibility for the selection of data to achieve your intended results, and for the use of the results obtained from the property data. Although this information is believed to be accurate, its content cannot be guaranteed and should not be relied upon for legal purposes. Any errors or omissions should be reported to the Bismarck City Assessing Division.

PRINTER FRIENDLY VERSION



UCC-1/CNS-1 FINANCING STATEMENT
 NORTH DAKOTA SECRETARY OF STATE /COUNTY RECORDERS
 SFN 14009 (02-2012)



For reference, see North Dakota Century Code, sections 41-09-40 and 41-09-72.
 Type or print legibly. See instructions on page 2 prior to completion.

1 a. Contact Name (optional)	Telephone Number
1 b. Send Acknowledgment To: (Name and Address)	

THE ABOVE SPACE IS RESERVED FOR FILING OFFICE USE ONLY

2. File In (check all that apply) <input type="checkbox"/> UCC Index <input type="checkbox"/> Farm Products Central Notice (CNS)	3. Transmitting Utility <input type="checkbox"/>
--	---

4. Debtor's Name: Provide only one debtor name (4a or 4b). For best search results, provide exact full legal name.

4a. Organization's Name			
OR	4b. Individual's Last Name		
	First Name	Middle Name	Suffix
4c. Mailing Address		City	State
		Postal Code	Country
Additional Debtor Information:	4d. Type of Organization	4e. Jurisdiction of Organization	4f. Organizational ID Number, if any <input type="checkbox"/> NONE

5. Secured Party's Name (or Name of Total Assignee of Assignor S/P): Provide only one secured party name (5a or 5b)

5a. Organization's Name			
OR	5b. Individual's Last Name		
	First Name	Middle Name	Suffix
5c. Mailing Address		City	State
		Postal Code	

6. Collateral Description: Describe the collateral covered by this Financing Statement: (if filing in Farm Products Central Notice (CNS), include a reasonable description of the property, including the county in which the property is located.)

FARM PRODUCTS CENTRAL NOTICE (CNS) filing is presented to the filing officer pursuant to NDCC 41-09-40.

7. SSN/TIN of debtor in number 4:

8. List farm products covered by this statement. (Only one County and Product code per line.)

County Code	Product Code	Description	Crop Year	Quantity
1				
2				
3				
4				
5				
6				

9. Signature of Debtor(s) and Secured Party (only required if section 7 and 8 is completed.)

Debtor Signature(s) _____

By _____ Name and Title

By _____ Name and Title

Secured Party Signature _____ By _____ Name and Title



REAL ESTATE AND UCC FILING/UCC-3A
NORTH DAKOTA COUNTY RECORDERS
 SFN 17830 (02-2012)



Type or print legibly. Carefully follow instructions on page 2.

1a. Contact Name: (optional)	Telephone Number:
1b. Send Acknowledgment to: (Name and Address)	

THE ABOVE SPACE IS RESERVED FOR FILING OFFICE USE ONLY

2. Initial Financing Statement Number on UCC-1A: _____
 Initial Financing Statement County Recorder's Document Number _____ Book _____ Page _____

3. Requested Change: (NOTE: Except for termination, a separate fee required for each action checked.)

Termination Secured party no longer claims a security interest under the financing statement bearing the file number in section 2.

Satisfaction The secured party no longer claims a security interest under the financing statement bearing the County Recorder's document number in section 2.

Continuation Original financing statement bearing the file number in section 2 is continued for an additional 5 years. (Accepted only if submitted within 6 months prior to expiration date)

Assignment The secured party named in section 5 assigns to the assignee whose name and address is provided in section 6, all rights under the financing statement bearing the file number listed in section 2 for the described collateral. If a partial assignment, describe the assigned collateral in section 7. If a full assignment, indicate "All Collateral" in section 7.
 Partial Full

Amendment Financing statement bearing the file number listed in section 2 is amended as described in sections 4, 5, 6 or 7. If amendment is adding land as collateral, provide a full legal description of land.

Amendment (Party Information): This Amendment affects Debtor or Secured Party of record. (Check only one of these two boxes.)
 Also check one of the following three boxes and provide appropriate information in sections 5 and 6. CHANGE DELETE ADD

5. Current Record Information:

5a. Organization's Name _____

OR

6b. Individual's Last Name _____ First Name _____ Middle Name _____ Suffix _____

6. Changed or New Information:

6a. Organization's Name _____

OR

6b. Individual's Last Name _____ First Name _____ Middle Name _____ Suffix _____

6c. Mailing Address _____ City _____ State _____ Postal Code _____ Country _____

Add Debtor Information 6d. Type of Organization _____ 6e. Jurisdiction of Organization _____ 6f. Organizational ID Number, If Any None

7. Amendment (Collateral Change): Check only one box.
 Describe collateral deleted, or added, or restated collateral description, or describe collateral assigned.
 (Provide legal description of property)

8. Name of secured party of record authorizing this amendment:



Application for Resident Licenses (SFN 6075 (7/10))
North Dakota Game and Fish Department, Licensing Division
100 N. Bismarck Expressway, Bismarck, ND 58501-5095 (701) 328-6335

Name: _____ Date of Birth: _____ Sex: _____ Height: _____
 Address: _____ Weight: _____ Color of Eyes: _____ Color of Hair: _____
 City: _____ State: _____ ZIP+4: _____ Social Security Number: _____
 Telephone: _____ Hunter Safety Number: _____ State Issued: _____

Attention Hunters: State law requires hunters born after December 31, 1961, pass a Department approved Hunter Education Course. Write Department for details.

Six Months Residency in State Required

<input type="checkbox"/> Resident Fishing, Hunting, Furbearer Certificate (required--all anglers and hunters)	\$ 1.00
<input type="checkbox"/> Resident Fishing License	\$ 10.00
<input type="checkbox"/> Resident Husband/Wife Fishing License	\$ 14.00
<input type="checkbox"/> Resident Senior Citizen Fishing License (65 or older)	\$ 3.00
<input type="checkbox"/> Totally or Permanently Disabled Resident Fishing License (Proof of disability required.)	\$ 3.00
<input type="checkbox"/> Resident Combination License (fishing, small game, general game/habitat, furbearer) (16 or older)	\$ 32.00
<input type="checkbox"/> Resident General Game and Habitat License	\$ 13.00
<input type="checkbox"/> +Resident Small Game License (residents 16 or older)	\$ 6.00
<input type="checkbox"/> +Crane Permit	\$ 5.00
<input type="checkbox"/> +Resident Deer Bow License (16 or older)	\$ 20.00
<input type="checkbox"/> +Youth Resident Deer Bow (under 16)	\$ 10.00
<input type="checkbox"/> +Resident Antelope Bow License (16 or older) - SEASON CLOSED IN 2010.	\$ 20.00
<input type="checkbox"/> +Youth Resident Antelope Bow (under 16) - SEASON CLOSED IN 2010.	\$ 10.00
<input type="checkbox"/> Resident Furbearer (trapping/hunting) License (16 or older)	\$ 7.00

National Migratory Bird Harvest Information Program (HIP)

All Migratory Bird Hunters must answer the following questions by circling the appropriate answer below.

Do you plan to hunt ducks, geese, doves, snipe, coots or woodcock this season? Yes No If yes, answer the questions below.

About how many of these migratory birds did you bag last season?

Ducks	None	1-10	11-30	31+
Geese	None	1-10	11-30	31+
Doves	None	1-10	11-30	31+

Did you hunt coots or snipe last season? Yes No

TOTAL \$ _____

Hunting, fishing, and furbearer stamps invalid unless placed on reverse side of Fishing, Hunting, Furbearer Certificate and signed in ink.

+ General Game and Habitat License required.

Note: Separate application forms must be used for antelope gun, deer gun, swan, and nonresident waterfowl licenses.

Nonresident college students from the states of Minnesota, Michigan, Kansas, Missouri, Nebraska, Alaska, Hawaii, Nevada, California, Arizona, Idaho, Colorado, South Dakota, Utah, Oregon, Washington, Montana, New Mexico, and Wyoming are now eligible to purchase non-lottery resident licenses as a result of changes in the law made by the 2003 legislature.

Nonresident Student: I certify that I live in North Dakota and am a full-time student attending a North Dakota state or tribal college, and am a resident of one of the states listed above:

Your signature _____ Date _____

Call 1-800-406-6409 to order licenses by telephone 24 hours a day, 7 days a week. [There is a \$4 minimum service charge per caller; \$10 for purchases over \$80.]

You may also order your license on our web page at gf.nd.gov/ with no service charge.

Read This First

- Registering a used watercraft purchased from or given to you by an individual: Send this form, the appropriate fee, and proof of transfer of ownership (a photocopy of the previous owner's registration card, a canceled check, or a signed note from the previous owner stating he has transferred this boat to you).
- Transferring registration from another state to North Dakota: Send this form, the appropriate fee, and a copy of the registration card from the state where previously registered.
- New or used watercraft purchased from an in-state dealer: Send this form, the appropriate fee, and a copy of the bill of sale indicating payment of taxes.
- Watercraft purchased from an out-of-state dealer: Send this form, the appropriate fee, and proof of sales taxes paid. If you did not pay sales tax in the state of purchase, get the One-Time Sales and Use Tax Remittance Form located at www.nd.gov/tax.

All boats powered by a motor must be registered.
The current license period ends December 31, 2013.

Send this completed application and fee to:



Boat Licensing
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, North Dakota 58501-5095

Department Website: gnd.gov

FEE SCHEDULE (Note: the fee schedule is prorated)

Boats under 16 feet in length and canoes:	2013:	\$4.00
Boats 16 feet to under 20 feet: (Also Demonstrators)	2013:	\$8.00
Boats 20 feet in length and over:	2013:	\$11.00

EXPIRATION DATE: 2013 NEW APPLICATION FOR NORTH DAKOTA WATERCRAFT CERTIFICATE OF NUMBER

IF THERE ARE NO NUMBERS ON YOUR BOAT, PLEASE LIST ND-

(Note: Before proceeding please see bullets above for information on sales tax requirement.)

1. (Name) _____ Address _____ City _____ State _____
 Zip Code _____ County _____ Date of Birth: (Mo) _____ (Day) _____ (Year) _____ Citizen _____ Alien _____

hereby certify that I do own the vessel described in this application for license.

WAS YOUR BOAT PURCHASED IN ND? IF NOT, DID YOU PURCHASE THE BOAT FROM A DEALER OR INDIVIDUAL? DEALER INDIVIDUAL

Type of Use:	Type of Propulsion:	Hull Material:	Type of Boat:
1. Pleasure <input type="checkbox"/>	1. Outboard <input type="checkbox"/>	1. Wood <input type="checkbox"/>	1. Open Boat <input type="checkbox"/>
2. Rental <input type="checkbox"/>	2. Inboard <input type="checkbox"/>	2. Aluminum <input type="checkbox"/>	2. Cabin Boat <input type="checkbox"/>
3. Public Owned <input type="checkbox"/>	3. Inboard-Outboard <input type="checkbox"/>	3. Steel <input type="checkbox"/>	3. House Boat <input type="checkbox"/>
4. Demonstrator <input type="checkbox"/>	4. None <input type="checkbox"/>	4. Fiberglass <input type="checkbox"/>	4. PWC <input type="checkbox"/>
5. Commercial <input type="checkbox"/>			5. Pontoon Boat <input type="checkbox"/>
			6. Canoe <input type="checkbox"/>
			7. Sailboat <input type="checkbox"/>
			8. _____ <input type="checkbox"/>

Make of Vessel _____ Year (if known) _____ Hull ID number _____ Length of Vessel from Bow to Stern _____ feet _____ inches. Horsepower of Motor _____ Type of Fuel Used _____ Was this Boat Manufactured in U.S.? _____

Submit Registration Fee with Application (Send Check or Money Order).

Is this a transfer of ownership? Yes _____ No _____

Fee enclosed \$ _____ State boat is principally used in _____
(See fee schedule on back)

If the boat is owned by more than one, only one individual may apply.

PLEASE PRINT CLEARLY. Complete all questions before returning.

Sign here: _____



DOG TRAINING PERMIT APPLICATION

North Dakota Game and Fish
100 North Bismarck Expressway
Bismarck, ND 58501
SFN 6532 3-96 (Revised 5-07)

Name of Applicant:			Address:			
City:		State:		Zip Code:	Social Security Number:	
DOB:	Sex:	Height:	Weight:	Eye Color:	Hair Color:	Calendar Year:
Telephone day/evening/cell:						
Training Headquarters in North Dakota:						
Address:		City:		State/Zip Code:		
Check One:						
<input type="checkbox"/> \$10 Resident Professional – for training exercises or hosting field trials.						
<input type="checkbox"/> \$100 Non-resident Professional – for training exercises or hosting field trials.						
<input type="checkbox"/> \$25 Non-resident Amateur – who bring more than four dogs into North Dakota.						
<input type="checkbox"/> \$10 Exempt training area professional – for one specific training area not to exceed 40 acres.						
List counties where training is to take place:						
Legal land description and county of exempt training area; Must be completed before permit to be issued.						
Are propagated birds or birds from the wild to be used?						
Proposed start date of training.						
Proposed end date of training.						
Signature:				Date:		

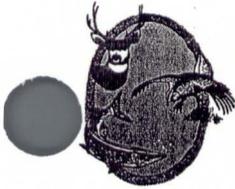


ANNUAL REPORT – DOG TRAINER PERMIT
NORTH DAKOTA GAME AND FISH DEPARTMENT
ADMINISTRATIVE SERVICES DIVISION
Sfn 6535 (07-2000)

THIS REPORT MUST BE SUBMITTED PRIOR TO ISSUANCE OF A NEW PERMIT

Permit Number:		Year:	
Name:			
Address:			
City:		State:	Zip Code:
Number of dogs trained under this permit:			
List counties where training took place:			
Were propagated birds or birds from the wild used?			
How much time did you spend in this state for training purposes?			
Signature:		Date	

NORTH DAKOTA GAME AND FISH DEPARTMENT
100 NORTH BISMARCK EXPRESSWAY
BISMARCK, ND 58501-5095



**2013 RESIDENT SPRING WILD TURKEY
LICENSE APPLICATION (FIRST COME, FIRST SERVED)**
North Dakota Game and Fish Department
Licensing Division, SFN 6549

MAIL APPLICATION AND FEE TO:
Turkey Application – NDGFD
100 N. Bismarck Expressway
Bismarck, ND 58501-5095
Phone (701) 328-6300

This application may be used by persons who don't have a 2013 spring wild turkey license or by persons who already have one 2013 spring wild turkey license (limit of two). Only residents are eligible to apply for first come, first served spring turkey licenses. The Department will begin processing applications on March 13.

HOW LICENSES WILL BE ISSUED

The 2013 spring wild turkey lottery has been held and there are licenses remaining in 8 units (see listing of units on back). These licenses will be issued on a "first come, first served" basis as applications are received by the Department and as long as licenses last. **The Department will begin processing applications on March 13.** Applications can be sent online, mailed, or turned in to the Department's Bismarck office. Online and mailed applications will be processed before hand delivered applications each day. **(Hand delivered applications will not be processed while you wait.** Licenses will be mailed to you.) For online applying, please visit our website at gf.nd.gov.

Remaining licenses are to be considered "additional", regardless of whether or not you already have one license. By using this form, you are allowed up to a total of two licenses for the 2013 spring wild turkey season. You may apply for two licenses at this time but you must use a separate application for each license applied for. Applications for a first license will have no preference over applications for a second license. Should we be unable to issue you a license, you will receive a refund.



APPLYING BY COMPUTER . . . QUICK – CONVENIENT – EASY

You can also apply for your first come, first served spring turkey license via the Internet – 24 hours a day – 7 days a week. Visa, Discover and MasterCard accepted.



visit our website
at gf.nd.gov

Regular license fees
apply with no service charge added.

INSTRUCTIONS (if you need any assistance in filling out this application, contact the N.D. Game & Fish Department)

1. **PARTIES:** There are no provisions for applicants to apply as a party. The number of persons has already been filled in for you.

2. **HUNTING UNIT CHOICE(S):** See backside for map and listing of licenses remaining. You are allowed two choices. Enter your choice of unit(s) in box(es) to the right.

FEE: The fee is \$8.00. Do not send cash. Personal checks, cashier's checks or money orders are acceptable. Make payable to N.D. Game and Fish Department. Unsuccessful applicants will receive a refund. Insufficient funds checks will be turned over to a collection agency and subject to additional costs. If money is not collected, the applicant will be ineligible for both the current year and the following year.

Other licenses required: Hunters, regardless of age, must also possess a fishing, hunting and furbearer certificate (\$1.00) and a general game and habitat license (\$13.00). In addition, hunters 16 years of age and older must possess a small game license (\$6.00) or a combination license (\$32.00) before hunting wild turkeys. These licenses can be purchased from the Department, any license vendor, by calling tollfree 1-800-406-6409, or via our website at gf.nd.gov.

4. **AS AN APPLICANT I CERTIFY THAT:**

- I have actually lived in the state of North Dakota or maintained my residence therein for the past six months (residency waivers are not eligible);
- I am aware of the hunter safety education course requirement for persons born after December 31, 1961, and have passed the course of instruction or am exempt by law. (Note: Persons under 12 years of age may hunt if they have appropriate license and are accompanied by parent or guardian). Individuals qualifying for a one year apprentice hunter validation should visit our website at gf.nd.gov for details;
- I understand that at this time (after the initial lottery), I may apply for an additional license but cannot exceed two total for the 2013 spring wild turkey season.

5. **APPLICANT INFORMATION SECTION:** Print one letter or number per box, leave one blank box as space between words.

LAST NAME										FIRST										MIDDLE										HUNTER SAFETY NUMBER										STATE ISSUED									
MAILING ADDRESS																														SOCIAL SECURITY NUMBER (Required)										SEX									
CITY										STATE					ZIP					BIRTHDATE					AGE																								
HOME PHONE										WORK PHONE										APPLICANT'S SIGNATURE										DATE SIGNED																			

The NDGFD receives federal financial assistance from the US Fish and Wildlife Service. In accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, the NDGFD joins the US Department of the Interior and its Bureaus in prohibiting discrimination on the basis of race, color, national origin, age, disability, sex (in education programs or activities) and also religion for the NDGFD. If you believe you have been discriminated against in any program, activity, or facility as described above, or you desire further information, please write to: ND Game and Fish Department, Attn: Chief Administrative Services, 100 N. Bismarck Expressway, Bismarck, ND 58501-5095 or to: US Fish and Wildlife Service, Attn: Civil Rights Coordinator, 4401 N. Fairfax Drive, Mail Stop: MBSP- 4020, Arlington, Virginia 22203. If you are disabled and desire application information for hunting and fishing opportunities in this state please contact the Department at 701-328-6300. The TTY/ITD (RelayND) number for the hearing or speech impaired is 1-800-368-8888.

April 10, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2310

That the House recede from its amendments as printed on pages 918 and 919 of the Senate Journal and page 1021 of the House Journal and that Senate Bill No. 2310 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "4" insert "and 6"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, the insurer of any party to the accident or the agent of that insurer, or the legal representative or insurer of an individual involved in defending or investigating a subsequent claim or accident involving a party to the accident:

- a. Driver identification number of a party in the report;
- b. Street address of a party in the report;
- c. Telephone number of a party in the report;
- d. Insurance company name and policy number of a party in the report;
and
- e. Date of birth of a party in the report.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09."

Renumber accordingly

April 10, 2013

LEGS. COMM (U)
4/10/13

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- a. Driver identification number of a party in the report;
- b. Telephone number of a party in the report;
- c. Insurance company name and policy number of a party in the report;
and
- d. Day and month of birth of a party in the report.

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Re-number accordingly