

FISCAL NOTE
Requested by Legislative Council
02/06/2015

Amendment to: HB 1424

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$82,000		\$82,000
Expenditures				\$11,750		\$11,750
Appropriations				\$11,750		\$11,750

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill as amended provides for certified mail delivery of hearing decisions, and increases the amount of the reinstatement fee.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of the bill requires hearing decisions to be mailed via certified mail. Section 2 and Section 3 both increase the reinstatement fee for non-alcohol suspensions from \$50 to \$55 dollars.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The fee for reinstatement for suspended licenses is increased by \$5 X average 16,400 reinstatement fee events per biennium = \$82,000 in revenue.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The department holds 2,350 hearings per year, on average X \$2.50 for certified mail delivery = \$11,750 cost per biennium.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The department would require additional appropriation of \$11,750 per biennium to offset cost of mailing.

Name: Glenn Jackson

Agency: NDDOT

Telephone: 328-4792

Date Prepared: 02/09/2015

FISCAL NOTE
Requested by Legislative Council
01/20/2015

Bill/Resolution No.: HB 1424

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$942,254		\$942,254
Appropriations				\$942,254		\$942,254

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill creates a requirement to mail driver's license suspension, revocation and cancellation orders via certified mail .

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fiscal impact to the DOT is based on cost to mail items certified mail, and the staff requirements to process certified letter mailing.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The DOT mails approximately 41,558 orders per fiscal year X 2 = 83,116 per biennium X \$6.50 per certified mail = \$540,254 per biennium in mail cost. It takes between 7 and 8 minutes to process a certified letter, which involves filling out the certified request, logging the letter and prepping the envelope; then tracking return documents, scanning, etc. This time generates an equivalent number of FTE's to procee of 3 FTE's @ \$134,000 per biennium = \$402,000 per biennium.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The DOT will require \$942,254 per biennium to provide this service. This amount is not included in the NDDOT appropriations bill (HB1012).

Name: Glenn Jackson

Agency: NDDOT

Telephone: 328-4792

Date Prepared: 01/21/2015

2015 HOUSE TRANSPORTATION

HB 1424

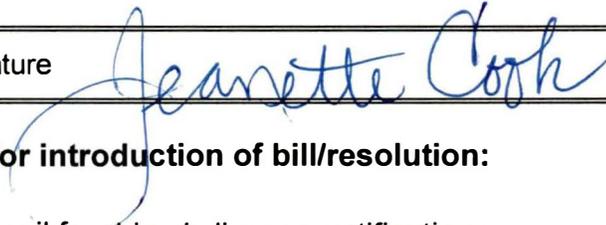
2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1424
1/30/2015
#22907

Subcommittee
Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to certified mail for driver's license notifications.

Minutes:

Attachment #1 and #2

Chairman Dan Ruby opened the hearing on HB 1424.

Representative Haak introduced HB1424 and provided written testimony. See attachment #1. She stated that regular mail is \$0.49 and Certified Mail is \$2.70.

(2:45)

Chairman Dan Ruby: Have you seen the fiscal note? It is \$942,000. What do you think of that?

Representative Haak: Without seeing it, I couldn't really respond.

Representative Lois Delmore: This fiscal note says 41,558 suspensions. That is hard to believe. This bill would ask for suspended licenses to be notified by certified mail, is that correct?

Representative Haak: That is correct. The fiscal note lists \$6.70 for Certified Mail, but the post office told me \$2.70.

Representative Marvin Nelson: When a person has a suspended license, and then when they get reinstated, is there a fee involved in that?

Representative Haak: Yes, it is a \$50 fee to get your license reinstated.

Representative Marvin Nelson: So, if the fee took into account the additional cost of the Certified Mail, there really would be no fiscal effect, would there?

Representative Haak: That is my understanding.

Rep. Mark Owens: Was it your attention that the Certified Mail had "Return Receipt Requested"?

Representative Haak: No, it was just Certified Mail.

Rep. Mark Owens: Then that explains the price difference. It is clear in the fiscal note that they are expecting a return receipt.

Chairman Dan Ruby: It might not be just in the case of a revocation or a suspension. In Section 5 it is talking about blood tests and many other notifications.

There was no further support for HB 1424.
There was no opposition to HB 1424.

(6:46)

Glenn Jackson spoke in a neutral capacity on HB 1424. He provided written testimony. See attachment #2.

Glenn Jackson: This does not change the deem delivery date, so we still deem service 72 hours after we put the letter in the mail. The certification aspect of the mail does cost more, and it also drives time. We sometimes do have 2,400-2,500 letters per month that we mail out for pending suspensions. We send orders out to notify people of pending suspensions. So, we still have to send that mail out, and it would have to go Certified Mail. A lot of individuals then contact us to clear up whatever the issue was. They go to the court and pay the fine, or notify us that their insurance actually was in force. We get a lot of information back, so we don't actually suspend the license. But, we do have to send the suspension order, which is the notice of suspension via Certified Mail under this concept. The staff told me that it would take them 10 minutes in order to process a Certified letter, and that is getting the letter, fill out the form, log what you've done, make sure they are handed over. All the items have to be scanned, so that we make sure that we don't lose track of them in the system. We did cut that down to 7 minutes, since we are already mailing some. If we don't have to scan return receipts because we are not going to request the return receipt, that would reduce it slightly. It would still at least take us 2 FTEs instead of 3 FTEs to spend time to manage the Certified Mail process. We just do not have extra capacity right now. That is our biggest concern.

Representative Lois Delmore: Do you have 2,100 letters that you send out a month on pending suspensions?

Glenn Jackson: Yes, there are approximately 2,100 notices sent each month, sometimes there are 2,800 to 3,000. We send out a lot of letters because we get a lot of information in about individuals that haven't paid fines, didn't have insurance in a crash, have too many points, ect. Then we have to send out the letter for pending suspension. We have to notify them of pending action, and that suspension order does go out.

Vice Chairman Lisa Meier: How many licenses are there each year that are actually suspended?

Glenn Jackson: I could get that number, but did not bring it with me.

Representative Robin Weisz: Based on the fiscal note, it would indicate that you send out at least 3,500 suspension letters on the average. You told us 2,000 - 3,000. Which is correct?

Glenn Jackson: The fiscal note is based on the average of the previous two years, so sometimes it is up to 4,000 or more.

Representative Lois Delmore: Is this one letter to any given person, there is no duplication at all?

Glenn Jackson: That is correct. It would be the notice of our intent to take action against someone's driving privileges.

Representative Lois Delmore: If that letter never reaches me, would I not be notified again until someone stops me? And this letter gets sent out to over 2,100 people a month?

Glenn Jackson: That is correct. We send it to the last known address that we have in the driving record. They have a full week to get in touch with us. If we don't hear back from them, the action is there. We have reams of paper with my name preprinted on it, and that is what gets sent out.

Representative Marvin Nelson: I would like some clarification in Section 2, Page 2. What are we talking about in that section of the code? (39-06-20)

Glenn Jackson: This deals with a separate action for a separate violation. In the case that there are multiple violations, we will have to send out an additional letter that says that they will be suspended for a separate reason. So, it is a different time frame. It would also be an additional suspension action, so this also would require a certified letter to be sent out.

Representative Marvin Nelson: If a person requests a hearing, and the hearing is going to be in six weeks, I would assume that the suspension is suspended until that date. Is that correct and how do you keep track of all of that?

Glenn Jackson: If the request for a hearing comes in, we take action on the record to stop the suspension action from taking effect, pending the outcome of the hearing. Then when we are notified by the hearing officer of the outcome of the hearing, we will determine if the suspension action is accurate, and we should continue, or that it is not. If they deem that it is not, then the action is terminated. If they say that it is, then the suspension takes effect. The decision of the hearing officer is then mailed, under this it would be by Certified Mail.

Representative Kathy Hawken: I am confused because the time frame is different. In Section 1 they have 10 days. Then if we have a different violation, it is 48 hours?

Glenn Jackson: I am talking about the length of time until the suspension takes effect, versus the deemed notified time. In the first section it is 72 hours, but second section is 48

hours and there are some that have 5 days. Different sections have different amounts of time for when we deem service has been rendered to the citizen.

Representative Kathy Hawken: I understand that, but initially you said it is one letter.

Glenn Jackson: It is **one letter for each time** we are going to take an action against the driving record that may suspend the driver's privileges.

Representative Kathy Hawken: I don't think this is very clear. I am concerned about the fiscal note on the bill.

Chairman Dan Ruby: Could you explain each section? Each section is dealing with a different action.

Glenn Jackson:

- Section 1 deals with notifications for violations other than alcohol.
- Section 2 deals with revocations, but it is also a notification that we are taking action against a record for other non-DUI related activities.
- Section 3 deals with the hearing officer after they have conducted a hearing, then they have to send their report via Certified Mail. Many times we get the notice, and then have to mail it out.
- Section 4 deals with test results.
- Section 5 gets further into alcohol analysis, which also has to be mailed by Certified Mail. That would not be done by us.
- Section 6 again deals with the hearing officer and scheduling hearings, and the fact that they would now have to do their hearing scheduling via Certified Mail.

All of these things currently take place via regular mail, and we have a deemed served date which is 72 hours or 48 hours depending on the actual process that we are following of proposed action to be taken.

Chairman Dan Ruby: How does law enforcement get the addresses?

Glenn Jackson: Law enforcement usually goes off the address on the driving record. We often get mail back that has not reached the intended audience. So, we scan that and keep it in the system. We do have address correction requested and will resend the letter if we have a corrected address.

There was no further testimony on HB 1424.
The hearing was closed on HB 1424.

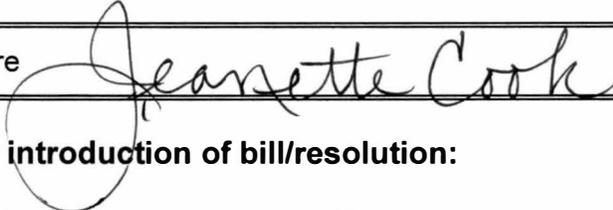
2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB1424
2/5/2015
#23354

Subcommittee
Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to certified mail for driver's license notifications.

Minutes:

Attachments # 1-2

Chairman Dan Ruby brought HB 1424 back before the committee.

Amendments were offered, .01002. See attachment #1.

Additional amendments were offered, .01003. See attachment #2.

The committee reviewed the amendments.

Chairman Dan Ruby: Rep Haak, do you have the estimated dollar amount that the fiscal note will change?

Rep. Haak: I don't have one for the \$55, but I do have the one \$80, it generates \$490,000 which would essentially make it a wash.

Rep. Mark Owens: What will this be? Certified with return receipt or just certified mail?

Rep. Haak: It is a wash with just certified mail. I got the amount from Glenn Jackson at the Department of Transportation, and it would cost \$3.30 plus the \$0.49 for the certified mail, which equals \$3.79.

Discussion.

Representative Rick C. Becker moved amendment 15.0945.01002.
Representative Robin Weisz seconded the motion.

A roll call vote was taken: Aye 10 Nay 0 Absent 4
Motion carried.

**Representative Ben Hanson moved a DO PASS on HB 1424 as amended.
Representative Marvin Nelson seconded the motion.**

Representative Lois Delmore: I think when someone is arrested and put in a cop car that is something pretty serious to happen to someone, when the suspension is something that they never received a notice for.

Representative Ben Hanson: I agree that the bill is much better now, but I am still about 51% on the no side. If it were a significant concern that people were not receiving their mailings, ideally you would want the corrective measure to be in the warning letter. Then you would be able to rectify the situation before you actually lose your driver's license. I question if there is a significant problem. I will resist the motion.

Representative Marvin Nelson: I think that the majority of the people get the first letter and take care of it. Then you have the people that don't take care of it, and some of those didn't get the first letter. Likewise, they won't get the second letter. Then they don't know. This isn't a perfect solution; they would still have to come in and pay a \$50 fee, but there is a better chance that they will know that something is wrong. I will support it.

Representative Robin Weisz: If you send two letters, and the person doesn't get them. The third is sent certified; it doesn't make any difference because they still won't get the letter.

Chairman Dan Ruby: They did say that they use an address correction if there is one.

Representative Gary Paur: I can see this affecting students or young people more than some of us. They are always moving and changing addresses.

**A roll call vote was taken: Aye 4 Nay 7 Absent 3
The motion failed.**

**Representative Rick C. Becker moved a DO NOT PASS on HB 1424 as amended.
Representative Robin Weisz seconded the motion.**

**A roll call vote was taken: Aye 8 Nay 3 Absent 3
Motion carried.**

Representative Ben Hanson will carry HB 1424.

Handwritten:
2-5-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1424

Page 1, line 1, remove ", subsection 2 of section 39-06-37,"

Page 1, remove line 2

Page 1, line 3, replace "section 39-20-03.2, and subsection 6 of section 39-20-05" with "and subdivisions h and i of subsection 2 of section 39-06-49"

Page 1, line 4, after "license" insert "suspension and revocation"

Page 1, line 4, after "notifications" insert "and reinstatement fees"

Page 1, line 14, remove the overstrike over "~~regular~~"

Page 1, line 14, remove "certified"

Page 2, remove lines 10 through 30

Page 3, remove lines 1 through 31

Page 4, replace lines 1 through 10 with:

"SECTION 2. AMENDMENT. Subdivision h of subsection 2 of section 39-06-49 of the North Dakota Century Code is amended and reenacted as follows:

- h. Reinstatement after suspension is ~~fifty~~fifty-five dollars unless the suspension was the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five dollars, or unless the suspension was a result of a violation under section 39-08-01 or chapter 39-20, then the fee is one hundred dollars.

SECTION 3. AMENDMENT. Subdivision i of subsection 2 of section 39-06-49 of the North Dakota Century Code is amended and reenacted as follows:

- i. Reinstatement after revocation is ~~fifty~~fifty-five dollars, unless the revocation was imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43, or 39-20-04, then the fee is one hundred dollars."

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1424**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15.0945.01002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Representative Rick C. Becker Seconded By Representative Robin Weisz

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	A		Rep. Hanson	X	
Rep. Rick Becker	X		Rep. Nelson	X	
Rep. Frantzvog	A				
Rep. Hawken	X				
Rep. Olson	X				
Rep. Owens	A				
Rep. Paur	X				
Rep. Schatz	A				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 10 No 0

Absent 4

Floor Assignment _____

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

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1424**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15.0945.01002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Representative Ben Hanson Seconded By Representative Marvin Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby		X	Rep. Delmore	X	
Vice Chairman Meier	A		Rep. Hanson	X	
Rep. Rick Becker		X	Rep. Nelson	X	
Rep. Frantzvog	A				
Rep. Hawken	X				
Rep. Olson		X			
Rep. Owens	A				
Rep. Paur		X	MOTION FAILED		
Rep. Schatz		X			
Rep. Sukut		X			
Rep. Weisz		X			

Total (Yes) 4 No 7

Absent 3

Floor Assignment _____

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

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1424**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15.0945.01002

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Representative Rick C. Becker Seconded By Representative Robin Weisz

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore		X
Vice Chairman Meier	A		Rep. Hanson	X	
Rep. Rick Becker	X		Rep. Nelson		X
Rep. Frantzvog	A				
Rep. Hawken		X			
Rep. Olson	X				
Rep. Owens	A				
Rep. Paur	X				
Rep. Schatz	X				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 8 No 3

Absent 3

Floor Assignment Representative Ben Hanson

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

REPORT OF STANDING COMMITTEE

HB 1424: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1424 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", subsection 2 of section 39-06-37,"

Page 1, remove line 2

Page 1, line 3, replace "section 39-20-03.2, and subsection 6 of section 39-20-05" with "and subdivisions h and i of subsection 2 of section 39-06-49"

Page 1, line 4, after "license" insert "suspension and revocation"

Page 1, line 4, after "notifications" insert "and reinstatement fees"

Page 1, line 14, remove the overstrike over "~~regular~~"

Page 1, line 14, remove "certified"

Page 2, remove lines 10 through 30

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SECTION 3. AMENDMENT. Subdivision i of subsection 2 of section 39-06-49 of the North Dakota Century Code is amended and reenacted as follows:

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Renumber accordingly

2015 TESTIMONY

HB 1424

#1 HB1424
1-30-15

Thank you Chairman Ruby and members of the House Transportation committee.

It is great to be here this morning to discuss HB 1424. This bill came to me after being contacted by a number of constituents regarding notification of their driver's license being suspended. This house bill would create a new way of notifying people that their driver's license has indeed been suspended and they have the ability to request a hearing for an appeal or would be made aware that they do have a pending court date. This bill would change the notification of a suspended driver's license from a simple mailing to a certified piece of mail.

There are any number of reasons why a driver's license can be suspended. One of the reasons is by failing to pay a fine for any criminal traffic offense, not paying a speeding ticket. One of the situations that my constituent faced was after being pulled over by a cop; they found out that their driver's license was suspended. My constituent ended up being cuffed and taken to jail. This person obviously ended up talking to me to see what can be done because they never received mail notification that their driver's license was suspended. The reason cited for the suspension was for a speeding ticket that the DOT claimed the person hadn't paid.

This bill might not be the solution, but I wanted to explore a way that we can work to better ensure that people are notified their driver's license is suspended so they can take appropriate action to get their license back. This action of using certified mail would also keep a record of the times that the post office tried to contact the person. Also, the constituents that I talked to that ended up in a similar situation all agreed that they would be willing to pay a higher fee to reinstate their license to help cover the cost of the certified mail.

I appreciate your time and I would be happy to stand for any questions.

Rep. Jessica Haak District 12

HB 1424
1-30-15

HOUSE TRANSPORTATION COMMITTEE
January 30, 2015; 9:30 AM, Ft. Totten Room

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

#2

HB1424

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

HB1424 requires the DOT to mail all correspondence regarding suspensions, revocations and cancellations via certified mail. It does not change our deemed served date.

The fiscal note reflects the impact to the DOT. Essentially this bill causes additional work in the central office to prepare, mail, log, scan, and process certified mail. On average, it takes roughly ten minutes to complete this task per item. As we currently process mail, we reduced the time to seven minutes in the fiscal note. This provides an equivalent of three FTE's of time to complete this task.

Current staff availability does not provide any additional capacity to complete this task. With the increased volume of work we have experienced over the past several years and no corresponding increase in staff in this area, the staff is at maximum capacity.

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

#1
15.0945.01002

Title.

HB 1424
2-5-15

Prepared by the Legislative Council staff for
Representative Haak

February 4, 2015

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Renumber accordingly

#2

15.0945.01003
Title.

H B1424
2-5-15

Prepared by the Legislative Council staff for
Representative Haak
February 4, 2015

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Renumber accordingly