

1999 HOUSE TRANSPORTATION

HB 1197

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1197

House Transportation Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
2	X		37.5-43.0
Committee Clerk Signature <i>Laura Lenn</i>			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON HB 1197; A BILL RELATING TO THE SUSPENSION OF DRIVING PRIVILEGES FOR ALCOHOL OFFENSES BY YOUTHFUL OFFENDERS.

REP. PAM GULLESON introduced HB 1197. (See written testimony).

REP. KELSCH questioned Line 15 on Page 1, the clause: except when accompanied by a parent or legal guardian.

GENERAL DISCUSSION TOOK PLACE, CHAIRMAN KEISER, REPS. KEMPENICH, PRICE and KELSCH participated.

REP. KELSCH located section 5-02-06 of the Century Code and found the answer to her question. As long as a wall or glass separates the alcohol from the youth, they are permitted in the restaurant.

Page 2
House Transportation Committee
Bill/Resolution Number Hb 1197
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February 4, 1999

COMMITTEE ACTION

REP. KEMPENICH moved a DO NOT PASS on HB 1197. REP. BELTER seconded the motion. The motion carried.

ROLL CALL - 9 YEA, 6 NAE, 0 ABSENT AND NOT VOTING

FLOOR ASSIGNMENT - REP. KEMPENICH

Date: 2/4
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. ~~1197~~ 1197

House Transportation Committee

- Subcommittee on _____
- or
- Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep Kempenich Seconded By Rep Belter

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe		✓
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen		✓			
Representative Kelsch	✓				
Representative Kempenich	✓				
Representative Price		✓			
Representative Sveen		✓			
Representative Weisz	✓				
Representative Grumbo		✓			
Representative Lemieux	✓				
Representative Mahoney		✓			
Representative Meyer	✓				
Representative Schmidt	✓				

Total (Yes) 9 No 6

Absent _____

Floor Assignment Rep Kempenich

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

REPORT OF STANDING COMMITTEE (410)
February 4, 1999 4:26 p.m.

Module No: HR-23-1961
Carrier: Kempenich
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1197: Transportation Committee (Rep. Keiser, Chairman) recommends DO NOT PASS (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1197 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

.HB 1197

He

DISTRICT COURT

SOUTHEAST JUDICIAL DISTRICT

Ronald E. Goodman, Judge

Chambers:

Courthouse
PO Box 336
Ellendale, ND 58436-0336

LaJuana D. Hayen
Secretary II /
Court Recorder

DICKEY COUNTY

Andi Schimke - Clerk
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Phone: 349-3249 Ext. 4
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RANSOM COUNTY

Valorie Lukes - Clerk
PO Box 626
Lisbon, ND 58054-0626

Phone: 683-5823 Ext. 120
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Post-it* Fax Note	7671	Date	01/27/99	# of pages	2
To	Rep. Pam Gullison	From	Judge Ronald Goodman		
Co./Dept		Co.			
Phone #		Phone #	701-724-6241		
Fax #	701-328-1272	Fax #	701-724-6244		

January 27, 1999

Rep. George Keiser
Chairman
House Transportation Committee

RE: HOUSE BILL #1197

Rep. Keiser and Ladies and Gentlemen of the Transportation Committee,

I am writing in support of House Bill #1197. I asked Rep. Pam Gullison to introduce the legislation. I apologize for not attending the committee meeting in person. The main purpose of the bill is to give North Dakota judges specific power to order the suspension of the driver's license of anyone convicted of a minor in possession or consumption charge under 5-01-08 of the North Dakota Century Code.

A judge sitting in juvenile court now has the power to suspend or limit driving privileges of minors under the age of 18, but a district court judge has no such explicit power to suspend the privileges of minors age 18 to 20 except in a "zero tolerance" case. Section 39-20-01 of the North Dakota Century Code, the Implied Consent Law, contains the so called "zero tolerance" law which allows for suspension of the license of a minor who has been drinking and driving if the State can show that the driver's alcohol content is .02 or above. As practical matter law enforcement has found "zero tolerance" rather difficult to enforce because of the requirement of a chemical test to prove the case, so the end result is usually is a citation for minor in possession or consumption which is easier to prove in court.

In my time as district judge I have been suspending or limiting driving privileges of over 17 year old minors as a condition of a deferred imposition or suspended sentence. My problem with this policy is twofold. First, the Century Code does not give me or any judge explicit power to suspend a driver's license for an MIP charge. I have relied on the implied powers I have as a judge to set conditions of probation. Second, the suspension as a condition of probation or deferred imposition of sentence is not reported to the State Driver's License Division and does not become a part of the minor's driving record.

I feel that the suspension of a minor's driver's license with the resulting report to the Driver's License Division will serve as a major deterrent to alcohol consumption by minors. I am realistic enough to know that whatever you do as legislators or what I do as a judge will not stop underage drinking completely, but a

formal driver's license suspension should serve to reduce underage drinking and driving. In my experience, the usual fine and even short term jail sentences for repeat offenders is kind of looked at as the 'cost of doing business' for minors consuming alcohol. If you remember your younger years, your driver's license was extremely important to you, and you would think twice before you did anything to jeopardize your privilege to drive. I have had several tragic cases before me that have involved traffic accident death or injury resulting from underage drinking. I believe if House Bill #1197 is reported favorably out of your committee and ultimately becomes North Dakota law we will have an additional tool to protect underage drinkers from themselves and to protect others from them also.

Sincerely,



Ronald E. Goodman
District Judge