

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

11809

2001 HOUSE TRANSPORTATION

HB 1189

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1189

House Transportation Committee

Conference Committee

Hearing Date January 19, 2001

Tape Number	Side A	Side B	Meter #
1	x		1,490
Committee Clerk Signature <i>Louise B. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1189; A BILL for an Act to amend and reenact section 39-06-20, subsection 6 of section 39-06-32, subsection 1 of section 39-06-33, section 39-06.1-04, subsection 2 of section 39-06.1-13, section 39-16.1-01, subsection 2 of section 39-20-03.2, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to notice of change of address for an operator's license or permit, suspension for failure to appear in court or post and forfeit bond, means to request a hearing, reduction of point total, proof of financial responsibility, serving results of a blood test on a nonresident operator, and extension of a temporary operator's permit.

Keith Magnusson, Director, Office of Driver and Vehicle Services, North Dakota Department of Transportation explained and testified for HB 1189, a DOT sponsored bill. A copy of his written testimony is attached.

Rep. Mahoney: ( 2926 ) This is on the wording on one of your -- in section 7 you talk about shall

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House Transportation Committee

Bill/Resolution Number HB 1189

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issue or mail personal seervice -- technically, should that be "personally serve" because that is what you are getting at, but you don't often see any more 'issue' or serve often in the criminal code.

Keith Magnusson: Issue is the word you use when dealing with North Dakota residents or North Dakota drivers. That is just the way its set out -- that is used in 39-20-02. 2.

Rep. Weisz - Chairman (3123 ) closed the hearing for testimony on HB 1189 inasmuch there was no one who came forward to testify for or against HB 1189.

Discussion followed:

Rep. Mahoney I move that we amend HB 1189 in the manner the DOT recommends, that is, in sec 5 page 3, replace " or the drivers' license has been canceled for" with "or, as a minor, the licensee's driving record contains six points or more" and on page 5, line 5, remove "excess points pursuant to section 30-06-01.1".

Rep. Hawken : I second the motion.

On a voice vote the motion carried.

Rep. Kelsch: I move a "Do Pass as amended " HB 1189.

Rep. Jensen: I second the motion.

Roll Call Vote: 12 yeas 0 nays 2 absent

Rep. Pollert - Vice Chairman was designated to carry HB 1189 on the floor.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1189

See 5 P 3

Page 5, line 14, replace "or the drivers's license has been canceled for" with "or, as a minor, the licensee's driving record contains six points or more"

Page 5, line 15, remove "excess points pursuant to section 39-06-01.1"

Renumber accordingly

18255.0101  
Title.0200

Adopted by the Transportation Committee  
January 19, 2001

VR  
1/19/01

House Amendments to HB 1189 Htrn 1-22-01

Page 3, line 14, replace "the driver's license has been canceled for" with ", as a minor, the licensee's driving record contains six points or more"

Page 3, line 15, remove "excess points pursuant to section 39-06-01, 1"

Renumber accordingly

Date: January 19, 2001  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1189

House Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amended

Motion Made By Rep. Kelsch Seconded By Rep. Jensen

Representatives	Yes	No	Representatives	Yes	No
Robin Welsz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	A				
Dan Ruby	A				
Laurel Thoreson	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Pollert

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

REPORT OF STANDING COMMITTEE (410)  
January 22, 2001 10:43 a.m.

Module No: HR-10-1365  
Carrier: Pollert  
Insert LC: 18255.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

HB 1189, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1189 was placed on the Sixth order on the calendar.

Page 3, line 14, replace "the driver's license has been canceled for" with "...as a minor, the licensee's driving record contains six points or more"

Page 3, line 15, remove "excess points pursuant to section 39-06-01.1"

Renumber accordingly



2001 SENATE TRANSPORTATION

HB 1189

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1189

Senate Transportation Committee

Conference Committee

Hearing Date 3-9-01;3-15-01

Tape Number	Side A	Side B	Meter #
1	x		21.2-41.2
3-15 2	x		4.9-9.6
Committee Clerk Signature <i>Suzette Schfer</i>			

Minutes: HB 1189 relates to notice of change of address for an operator's license or permit, suspension for failure to appear in court or post and forfeit bond, means to request a hearing, reduction of point total, proof of financial responsibility, serving results of a blood test on a nonresident operator, and extension of a temporary operator's permit.

**Keith Magnusson:** (Office of Driver and Vehicle Services; Supports) See attached testimony.

**Senator Trenbeath:** What offenses no longer require a signature for promise to appear?

**Lynn Helnert:** (Manager of Driver and Improvement Services; Supports) Criminal traffic offenses such as DUI, DUS, and leaving the scene of an accident require a court appearance. It is the non signature criminal traffic offenses such as speeding, failing to stop for stop sign, etc. that no longer require the of the driver. On the citation that the driver receives, it gives them 14 days to request court appearance or post statutory fee and not appear in court.

**Senator Trenbeath:** Why the change that you no longer have to sign the "Promise to Appear"?

**Lynn Helnert:** I do not know what the reasoning behind that was.

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Senate Transportation Committee

Bill/Resolution Number HB 1189

Hearing Date 3-9-01;3-15-01

**Senator O'Connell:** Explain the amendment.

**Keith Magnusson:** It's to clear up and put in better language.

**Bruce Murry:** (Attorney from Bismarck; Lobbyist #62; Supports) See attached testimony and proposed amendment.

**Senator Trenbeath:** What portion of the clearly stated procedure did your client not understand?

**Calvin Bieckler:** When they give you the ticket on the road and a temporary drivers license to put in the glove box, you have to read every little word on the back of the ticket with a microscope to understand. You could miss that easily. I wasn't notified by DOT to go to court.

Hearing closed.

Committee reopened on 3-15-01.

Senator Stenehjem hands our proposed amendment.

Discussion held. Senator Trenbeath motions to accept the proposed amendment. Seconded by Senator Bercier. Roll call taken. 6-0-0. Senator Trenbeath motions to Do Pass as amended on engrossed HB 1189. Seconded by Senator Bercier. Roll call taken. 6-0-0. Floor carrier is Senator Espgaard.

Committee closed.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1189

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to cancellation of a minor's driving privileges; and"

Page 1, line 2, replace the second "section" with "sections 39-06-35 and"

Page 1, line 6, after the first comma insert "suspended licenses,"

Page 1, after line 8, insert:

"**SECTION 1.** A new section to chapter 26.1-40 of the North Dakota Century Code is created and enacted as follows:

**Cancellation of minor's driving privileges - Effect.** An insurer may not use or rely on the cancellation of a minor's driving privileges under section 39-06-01.1 as a reason to cancel, deny, or not renew the automobile insurance policy of the minor or a parent of the minor."

Page 2, after line 19, insert:

"**SECTION 5. AMENDMENT.** Section 39-06-35 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-06-35. Period of suspension.** When the period of suspension imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the director a reinstatement fee of fifty dollars, or twenty-five dollars if the suspension was the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or subsection 2 of section 39-06-32, or one hundred dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until compliance with subsection 3.1 of section 39-06.1-10. Upon payment of the reinstatement fee the license must be returned to the operator. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20."

Renumber accordingly

Date: 3-15  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1189

Senate Transportation Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number 18255.0201

Action Taken Measure Adopted w/o Amend

Motion Made By Trenbeath Seconded By Bercier

Senators	Yes	No	Senators	Yes	No
Senator Stenejem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Bercier	X	
Senator Mutch	X				
Senator Espegard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
Section 1. Section 5

975/89

Date: 3-15  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1189

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 18255 0301

Action Taken Er. S. 1189 De Pass As Amended

Motion Made By Trenbeath Seconded By Bercier

Senators	Yes	No	Senators	Yes	No
Senator Stenejem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Bercier	X	
Senator Mutch	X				
Senator Espegard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Espgard

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

