

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

1261

2001 HOUSE TRANSPORTATION

HB 1261

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1261

House Transportation Committee

Conference Committee

Hearing Date January 26, 2001

| Tape Number | Side A | Side B | Meter # |
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Committee Clerk Signature *Lawrence L. Fink*

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1261; A BILL to amend and reenact section 39-04-21 of the North Dakota Century Code, relating to the temporary registration of motor vehicles.

Rep. Droydal: I represent District 39. This bill comes about after years and years of seemingly the same complaint. My district borders the Montana border from Trenton south to the South Dakota State line. While we have good relations with the people from Montana, there is one area where we do have some problems. An example of the problem is where an oil field worker whose rig happens to move across the border and is located in Montana. The second day that he shows up for work there is a Montana Highway patrol man waiting there for him. He is there to make sure that he has absolutely met the requirements of the Montana law in licensing that vehicle. They identify it real quick by looking at the vehicle whether he is displaying the plates. Before he can go to work that day he must go in and get his temporary license plates and put it on that vehicle. That's the law. Now when that rig moves back into North Dakota and the Montana

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residents come over to North Dakota they are required to have a North Dakota licensed vehicle.

Well they may or may not. That's where the perception comes in. We don't require them to put a plate on all vehicles registered in North Dakota. I don't know what it is but I am not picking on any one department; the highway patrol or any one else. But I have asked a number of times; how can I as an individual identify that that vehicle has purchased or paid its fair share in North Dakota. It seems that they can't really explain the bill to foreigner (? Farmer ?) who hasn't had the opportunity to see the plates to figure out how to do it. Neither can the general public. So they are perceiving that these Montanans are not paying their fair share when they (North Dakotans) are forced to. Of course they're upset about it. This bill will says that for one thing that North Dakota should required a plate to be place on the vehicle on bumper, fender, tailgate or somewhere it would have to be displayed so that it is easily identifiable. One day when I sold a vehicle in North Dakota the dealer sold it to somebody in Montana with North Dakota plates on it. The third day the Montana sheriff and the Glendive police were checking why my North Dakota vehicle was sitting in Glendive without a Montana plate on it. Now if that vehicle had been stolen I would have been real happy about it. So it works both ways. We don't have enough patrolman. They just can't cover the mileage. We know that if people are involved in our school system, we're going to have a better school system. Same way with law enforcement. By making them more knowledgeable we're going to have people helping us. The bottom part of the law -- we want to leave the fines as they currently are and add \$20. The additional \$20 of that fine would go to the local law enforcement -- if the sheriffs department picked up somebody they would get it -- if the local police department picked up somebody, they would get it -- the local police department. It doesn't change the law it merely helps get better enforcement.

Rep. Welsz - Chairman (547) Would this plate be a different style and how long is 'temporary'?

Rep. Drovdal: That I think would be set by the Transportation department.

Rep. Hawken: (683) On our side there are lot people who live in Minnesota. They work in work in North Dakota. I think your license plate is where you live not where you work. I guess I need clarification of what the law is and then what is the time frame. If they are living in North Dakota, then that is a different thing.

Rep. Drovdahl. I will defer that to him (Keith Kiser).

Keith Kiser: Director of the Motor Vehicle division of the DOT. Rep. Drovdahl is correct in that most states, when you are a temporary resident of that state --- that is when you are employed you are required to register your vehicle in that state for the period of time you are gainfully employed there. North Dakota has a similar requirement. Unlike many other states we give you a temporary permit which is a window sticker -- it is approximately 3" x 3" square. It is issued out of our office or out of a branch office or issued by law enforcement officers around the state. So as a temporary resident in this state you have a number of options as to where you can go to obtain that temporary registration. It is sold by the month which is 1/12th of the annual registration fee and can be purchased for a many months as needed. Many of our oil field workers are seasonal workers and they will come in and buy 2 or maybe 3 months temporary registrations.

We issued about 4400 of those permits last for temporary residents in North Dakota. We have never issued temporary license plates. It is a cost factor obviously. If we were to issued license plates we would have to modify our computer system so that we could keep track of those

temporary transfers of title to go with the registration. The reason is that law enforcement officers have to check plates with ownership. Our data base is oriented to the title and the license and permits are referenced to the title but it is a problem to license and not transfer the title for that officer in the field because they do check ownership too. That is because of the license plates and the permits can be correlated with the license plates.

Rep. Price: (1048) Are the rules different for people stationed in the military base?

Keith Kiser: You are correct. There are exemptions from our registration laws for military personnel. This is true so long as they are not employed outside of the base while stationed on the base. If they take a part time job delivering pizza then their vehicle must be registered here. It is a difficult thing to enforce. The same thing is true of nonresident students at our colleges. If they are gainfully employed they are required to have their vehicle registered here.

Rep. Weisz - Chairman (1115) Would that person living in Moorhead working Fargo have to have a temporary permit?

Keith Kiser: No not if they go home every day. But if you are domiciled over night then you would. We have a reciprocity agreement with Minnesota on that. There is a twenty mile free trade zone in Minnesota but not in Montana.

Rep. Carlson: (1206) What does temporary mean?

Keith Kiser: Minimum is 1 month because that is the minimum time for which you can buy a temporary registration.

Rep. Carlson: Let's go back to the example of the guy Rep. Drovdal gave of the guy on the job the second day and the patrolman was sitting on his bumper when he came to work in Montana --

how does he know how long a person is going to be in the state -- he could be there a week or he could be there several days or six months?

Keith Kiser: Having been victimized in Montana myself -- the patrolman takes you downtown and you buy whatever you think you might need and you can go back and buy more if you need it.

Rep. Carlson: So what we are doing here is 'do the same to them as they do to us'.

Keith Kiser: Well that is right but what Rep. Droydal is attempting to do here is get some thing that is visible so that enforcement can see the status of that registration.

Rep. Carlson: If there is a car parked at the local motel for several days, who is going to go in there and ask him?

Keith Kiser: That is an enforcement problem.

Rep. Weisz - Chairman: If a person so desired, he could keep his car registered in Montana, he could get his car registered in North Dakota with temporary permits? Forever?

Keith Kiser: It would cost him significantly more. There temporary fee is 1/12 of the cost to him as if you or I were to register that same vehicle. There is no discount if you will. His dual registration is costing him at least double or more.

Rep. Hawken: How about if we got a neon sticker for there license or window?

I think this should be in the college handbooks because I don't think these college kids know about this requirement.

Keith Kiser: You get right back to the same question for the personnel on our military bases.

Rep. Jensen: If we were to use the permit system more extensively it would in fact solve the problem would it not? And part of the consideration of this bill is to add this fee that the local

entities in exchange for enforcing the law already existing. Right now there is not much incentive for enforcing and you don't have provision for it --- to worry about these kinds of things -- It just doesn't get handled. I don't think the license plate or whether it is a permit in the window is not central to this bill. The main thing is that the fees are beginning to be collected.

Keith Kiser: The magnitude of the problem is reflected in the fact that we sold 4400 these last year to non-residents. I don't know how many we should have sold. Enforcement in this area is difficult because you don't know how many ought to be there. One reason that Montana does a good job of enforcement is that the fees remain in the county.

Rep. Price: How do our fees compare with Minnesota's and Montana's?

Keith Kiser: Our fees and other states charge a proportionate amount to the cost of their annual registration. So our registrations in North Dakota are less than those around us. A car that I would register in North Dakota for \$72 would cost \$100 to 150 in Minnesota and probably more than that in Montana.

Rep. Mahoney: (1812) At what point does a person become required to have this temporary registration?

Keith Kiser: There is a statute that says if you become a resident of the state for any reason, the vehicle must be registered immediately. If you are gainfully employed or gain citizenship your privileges enure at that point and your vehicle must be registered.

Rep. Mahoney: My recollection is that residency is like thirty days for a lot of purposes -- do you guys interpret that that if I go over to Montana and work for one day for a day or an afternoon, or one minute that I have -- where does law enforcement step-in?

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Keith Kiser. The statute really says immediately. I think the literal interpretation is that if I come to work over here, day one is when I have my registration. If for one day the minimum amount would be a one month permit.

No one else appearing in support or in opposition to HB Bill 1261. Rep. Weisz - Chairman closed the hearing on any further testimony. (1958).

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1261 B

House Transportation Committee

Conference Committee

Hearing Date February 16, 2001

| Tape Number | Side A | Side B | Meter # |
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| 2 | | x | 111 |
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| Committee Clerk Signature <i>Lauren B. Ford</i> | | | |

Minutes: Rep. Weisz - Chairman opened the discussion for action on HB 1261.

Following discussion of the proposed amendments by Rep. Pollert - Vice Chairman:

Rep. Carlson moved to approve the amendments.

Rep. Kelsch: Second the motion.

Motion carried on a voice vote.

Rep. Kelsch moved a 'Do Pass as Amended' for HB 1261.

Rep. Hawken: I second the motion.

On a roll call vote, motion carried: 10 yeas 4 nays 0 absent.

Rep. Pollert - Vice Chairman was designated to carry HB 1261 on the floor.

Discussion and action ended. (1282)

FISCAL NOTE
 Requested by Legislative Council
 03/26/2001

Bill/Resolution No.:

Amendment to: Engrossed
 HB 1261

1A. 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.*

| | 1999-2001 Biennium | | 2001-2003 Biennium | | 2003-2005 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

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

| 1999-2001 Biennium | | | 2001-2003 Biennium | | | 2003-2005 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The fiscal impact of Section 1 of this bill will be less than \$5,000 per biennium.

The fiscal impact of Section 2 of this bill is impossible to determine as it is not known how many military personnel with leased vehicles come to North Dakota or how many of them would choose to register their vehicles in North Dakota.

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.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

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|----------------------|-------------|-----------------------|------------|
| Name: | Keith Kiser | Agency: | NDDOT |
| Phone Number: | 328-2725 | Date Prepared: | 03/26/2001 |

