

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1120

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*Doreen O'Connell*  
Operator's Signature

10/2/03  
Date

2003 HOUSE TRANSPORTATION

HB 1120

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*Dorinda Hall*  
Operator's Signature

10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1120

House Transportation Committee

Conference Committee

Hearing Date January 23, 2003

| Tape Number                                    | Side A | Side B | Meter #     |
|--|--------|--------|-------------|
| 3  | x      |        | 0.1 to 13.3 |
|  |        |        |             |
|  |        |        |             |
| Committee Clerk Signature <i>Laura B. Fisk</i> |        |        |             |

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1120, a bill for an Act to amend and reenact section 39-08-01.3 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor repeat offenders and ignition interlock devices.

Keith Magnuson, Deputy Director for Driver and Vehicle Services introduce the background for this legislation. This is but one of several pieces of proposed legislation dealing with drinking and driving. this way you can address each issue but if you look at them all together you will get an idea of how we are trying to attack the problem. A copy of his prepared testimony is attached.

Rep. Weisz: How many other states currently have interlock devices?

Keith Magnuson: I will leave a list of these and a copy of the regulations ( fed ) with the Chairman. There are 28 states and the District of Columbia that now have interlocks. There are other states that use them but they don't comply with all the federal requirements for their use.

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*Danna Holbrook*  
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1/21/03  
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Bill/Resolution Number HB 1120  
Hearing Date January 23, 2003

Rep. Weisz: My other question I had is the current law says within the five years preceding the violation -- is that the minimum you can go from the federal ?

Keith Magnusson: That is correct -- the five years is in the law and that is how they define the repeat offender -- the second offense within five years. This does not affect first time offenders.

Rep. Schmidt: I noticed there is only 7500 in use now --

Keith magnusson: this is a brochure we received two years ago and it is for this particular brand of device. That was just in the time when were just getting into the federal mandate to use this --- there area number of brands and companies across the country and they have to be certified by the National Highway Traffic Safety Administration. So there are quite a few more out there.

Rep. Thorpe: Do you have any figures on the installation costs? and, who would be doing it?

Keith Magnusson: It costs on one of these is going run about \$100. There companies certified by NTSA and they will setup local distributors to do this. the monthly rental fee -- I can see that running about \$50 -- \$60 per month.

Rep. Ruby: The previous law said that it may also require ignition interlock -- are we making this change to comply with federal law.

Keith Magnusson: There will probably be a whole combination of things -- the judges have had the authority to do that but as far as I know none of them has.

Rep. Delmore: As I looked over that brochure -- different other family members can be calibrated to use the car -- What would happen in the scenario where a friend hadn't done that -- the other person who was there was sober and wanted to drive -- would they be able to get the car started?

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10/2/03  
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Bill/Resolution Number HB 1120  
Hearing Date January 23, 2003

Keith Magnusson: As long as some body has had a lesson in this -- but they can't make it too easy or they would have a child sitting in their lap while the drive ( drunk ).

Rep. Headland: In the changes you have laid out here -- you are specifying these interlock devices need to be installed in all of hi vehicles -- in the case of a farmer, he may have three grain trucks, 3 or 4 pickups, a couple of cars -- it could be burdensome to him and frankly a lot of those vehicles may be season and driven only part of the year. Is it possible to change 'all these' vehicle to the judges discretion?

Keith Magnusson: That is a question that has come up before --- the regulations really don't address the farmer but they do address the business person who has a fleet of vehicles. They do have an exemption and the also have a hardship provision where a judge could take that into consideration -- it is not in this bill but you could amend that into this bill.

Rep. Weisz: do you know how many are convicted in a year as a second offense or greater ?

Keith Magnusson: I don't have those figure.

Rep. Thorpe: Have you been afforded any figures on the results of the use of these devices in other states -- have they made an impact?"

Keith Magnusson: I think they are looking at this as reducing fatalities and accidents. It is part of a package putting all these things into effect to reduce fatalities.

Rep. Delmore: the period of time -- they show a range - - do you know what that range?

Keith Magnusson: That is the range and the judge will decide that within those ranges. I do think that the minimum time will be the minimum time one of these rental companies will rent one for. I know it won't be less than a month -- I think it will be more like 2 or 3 months.

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Hearing Date January 23, 2003

Janet Demaris Seaworth: A Bismarck -- Executive Director of the North Dakota Beer

Wholesalers Association spoke in support of SB 1120. A copy of her prepared testimony is attached. In response to Rep. Thorpe's question earlier, on January 13th -- just this month the state of Pennsylvania came out with what appears to be the first comprehensive review of the effectiveness of the use of these devices. It appears that they are quite effective in reducing the number of repeat offenders.

There being no other persons wishing to testify either for or against HB 1120, Chairman Weisz closed the hearing.

End of hearing record ( 13.3 ).

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Demaris Seaworth  
Operator's Signature

1/23/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1120b

House Transportation Committee

Conference Committee

Hearing Date January 30, 2003

| Tape Number | Side A | Side B | Meter #      |
|-------------|--------|--------|--------------|
| 3           | x      |        | 11.7 to 22.6 |
|             |        |        |              |
|             |        |        |              |

Committee Clerk Signature

*Lauren B. Fisher*

Minutes:

Rep. Weisz opened the discussion for action on HB 1120. There was much discussion about the seasonal vehicles owned by farmers which didn't have the same exemptions as businesses -- is farming a business under this exemption: loss of federal dollars to the state; the track record of interlocks; the reticence to be 'blackmailed'; and how the courts may or may not use if the bill is passed.

Rep. Price moved a 'Do Pass' motion for HB 1120. Rep. Delmore seconded the motion.

On a roll call vote the motion carried 7 Ayes 5 Nays 1 Absent and not voting.

Rep. Hawken was designated to carry HB 1120 on the floor.

End of record ( 22.6 )

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*Deanna Ballin*

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