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Deanna Hall
Operator's Signature

10/2/03
Date

2003 HOUSE TRANSPORTATION

HB 1238

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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1238

House Transportation Committee

Conference Committee

Hearing Date January 23, 2003

Tape Number	Side A	Side B	Meter #
1	x		8.8 to 23.3
1		x	5.5 to 7.4
Committee Clerk Signature <i>Lauren H. Fiske</i>			

Minute:

Rep. Weisz, Chairman opened the hearing on HB 1238, a bill for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance.

Rep. Mueller representing District 24, parts of Barnes county and parts of Ransom County. He appeared to briefly introduce HB 1238. It involves the timing of the effective time of liability coverage. A loop hole in North Dakota which allows a motorist to obtain liability insurance coverage after being cited for driving without liability coverage. It is not uncommon throughout North Dakota for a motorist to be stopped for driving without insurance coverage at some time during the business day. After being cited he goes to an insurance agency obtains coverage and as soon as the policy is written the effective time date is back to 12:01 AM that day. Thus it appears when he makes his court appearance that he had insurance coverage at the time of his being cited. This can also be accomplished today by going on line to by a policy. The effect is

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Dorinda Haldrup
Operator's Signature _____ Date 1/21/03

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House Transportation Committee
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Hearing Date January 23, 2003

the same because some years back the insurance industry adopted for good reasons an uniform effective or starting time for coverage for the industry.

Rep. Ruby: (11.7) Would this require the insurance agents to do anything differently inasmuch of the standardized effective time?

Rep. Mueller: I don't think it would change the 12:01 time, what it would do is to require the motorist to have that insurance at the time of the citation and the burden of proof is on the motorist.

Rep. Ruby: How is they are going to prove that?

Rep. Mueller: The bill does require that but as to how they would is going to have to be answered by those who will testify after me. I defer to them.

Brad Croft (sp ?) I am city attorney for the City Attorney and the prosecutor for the City of Valley City who prosecuted the case Rep. Mueller referenced. When the young lady came into court and showed her proof of insurance effective 12:01 AM the day of her citation the judge threw her case out finding her not guilty of the offense. I am not that acquainted with these on line insurances. I am in support of doing some to correct this situation. Instead of placing the burden onto the arresting officer to tracked down proof this bill would snift the proof onto the driver.

Kent Olson representing the North Dakota Insurance Agents Association explained a bit the standardization of the 12:01 time. There is usually an accident involve which brings this question and then the penalty for driving without insurance follows. The standardized time is referred to the old New York fire insurance coverage time. Most states have adopted it for insurance policies. However, most auto insurers will have a time and date of signing on their

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1/21/03
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House Transportation Committee
Bill/Resolution Number HB 1238
Hearing Date January 23, 2003

policies. There is a definite time. On most policies this true but I can't tell what they do on the internet. We stand in support of the bill.

Rep. Zaiser: (16.4) Is it a violation if you don't carry evidence of insurance coverage?

Kent Olson: The DOT has people here to answer that question but I believe if you have coverage and don't have your and with you, you have 20 days. If you don't produce the card it is then a \$20 fine.

Chad Hagen: (17.3) President of the North Dakota Fraternal Order of Police and a police officer for the past 10 years. He works for the Fargo Police Department and this comes up regularly. He and his organization support this legislation.

Rep. Weiler: What per cent of the drivers do not have insurance?

Chad Hagen: We have our own data but the DOT will have to give the statewide information.

Rep. Thorpe: Please clarify for me and the committee, you said they come in with a back dated coverage --- how can that occur?

Chad Hagen: Basically restated the previous testimony of a cited driver going to an agent after the accident and he added two instances where in 1 case the driver went to a 1 - 800 24 hour service number and purchased his coverage after 6:00 PM and the second got his on the internet. They had actually told the officers that they had no insurance at the time of the crash.

Those violations were thrown out in our courts.

Liz Heinert: She is the manager for the Driver Improvement Services for the Drivers License Division of the DOT. The DOT will say the 4% of the drivers are uninsured and that is base on accident records but the industry will tell its more like 9 - 12%.

Pat Ward: He represents the State Farm Insurance companies. They support passage of this bill.

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House Transportation Committee
Bill/Resolution Number HB 1238
Hearing Date January 23, 2003

It is a clean bill and should clear up a lot of things in this area.

Rep. Delmore: (22.3) Do the people who sell insurance like that do they pay?

Pat Ward: If you mean those who time their policies back to 12:01 AM , yes they do. If they can prove that they don't have pay they will not. At least they will try. Not sure of the internet companies --- ?

There being no further testimony for or against HB 1238, Rep. Weisz, Chairman closed the hearing. (23.3)

Tape 1 Side b Committee action (5.5) Rep. Delmore moved a "Do Pass" motion. Rep. Weiler seconded the motion. On a roll call vote the motion carried 12 ayes 0 Nays 1 absent and not voting. Rep. Headland was designated to carry HB 1238 on the floor.

End (7.4)

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1/21/03
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Date: 1/23/03
Roll Call Vote #: _____

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1238

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 30336.0100

Action Taken DO Pass

Motion Made By Rep. Delmore Seconded By Rep. Weiler

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment Rep. Headland

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

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Deanna Holmquist 1/23/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 23, 2003 12:33 p.m.

Module No: HR-13-0963
Carrier: Headland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1238: Transportation Committee (Rep. Welaz, Chairman) recommends **DO PASS**
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1238 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-13-0963

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2003 SENATE TRANSPORTATION

HB 1238

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