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DESCRIPTION

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La Costa Rickford
Operator's Signature

10/3/03
Date

12

2003 HOUSE TRANSPORTATION

HB 1277

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1277

House Transportation Committee

Conference Committee

Hearing Date January 23, 2003

Tape Number	Side A	Side B	Meter #
1	x		23.3 to 39.3
1		x	7.5 to 9.7
Committee Clerk Signature <i>Laura M. G. G. G.</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1277, a bill for an Act to amend and reenact section 39-06-16 of the North Dakota Century Code, relating to the display of a motor vehicle operator's license.

Rep. Koppelman representing District 13 which most of the city of West Fargo. HB 1277 was precipitated by an incident in our community and was asked for by our Chief of Police. There is a member of that force here. What happened was that one of our officers stopped a motorist and asked to see his driver's license. The person stopped flashed the license past the officer and took the license back. The officer said that he needed to see the license and the driver refused to let the officer see it. the driver said that the law reads that "you must display your license and I have done that". A strict literal reading of the law probably supports that position. All that HB 1277 seeks to do is to amend that and to say that driver when stopped must physically surrender his license to the officer.

Page 2
House Transportation Committee
Bill/Resolution Number HB 1277
Hearing Date January 23, 2003

Rep. Hawken, Vice Chairman : On line 11 where it adds a "not", does that mean not violated?

Rep. Koppelman: I believe that if you look back up to line 10 you will see that "no" was removed, an "a" added -- so I believe that is a style change by counsel.

Rep. Ruby : With word "surrender" -- does that mean legally relieve yourself of ownership of your license? Say you are stopped for a speeding ticket -- is that the right word to use?

Rep. Koppelman: (25.9) That is an excellent question and I did ask that question of myself -- after thinking about it I am comfortable with it -- They really would not have a reason to retain a license unless they were placing someone under arrest -- so--- it certainly not my intent for an officer to retain a license for no reason at all. But I can see where it is reasonable for an officer to take the license, walk back to his vehicle to call in with all the information in hand.

Rep. Ruby: That lead into my next question -- with today's technology -- on board computers -- is it necessary to actually have that in hand ?

Rep. Koppelman: Yes -- I think so because it is not enough to look in the car window and have someone flash a card in front of you -- and you get the information that quick. They do need to get numbers, addresses, etc.

Rep. Thorpe: At one time I really thought differently but now I see why they need to have the license to get the information.

Dave Bruckner: A Captain with the West Fargo Police Department -- 35 years in April. We support this bill -- if an officer stops someone and the way the law is presently written -- if they show you their license and you have to stand out side the vehicle and write down all that information -- it would be a hassle --

Rep. Ruby : Is the instance which precipitated this bill -- is that an isolated instance?

Page 3
House Transportation Committee
Bill/Resolution Number HB 1277
Hearing Date January 23, 2003

Captain Bruckner: I don't if this has happened to any other department -- but it did happen to us. It could open a can of worms if the word got out that people didn't have to give the law enforcement their license. When you are in a two or three car accident scene -- you need those licenses when you call in with the right information and you can't stand there and argue with them. You also need that license to fill out the accident reporting form. It will save a lot of time.

Rep. Schmidt: When did they start asking you to give them their licenses?

Captain Bruckner: I am not sure -- one of the reasons you ask for their license -- you don't want to have that or any individual in the you vehicle with you -- when you get the information back it may say that this individual is wanted and may be armed and dangerous -- you don't want him to know you know -- it is at the discretion of the officer and in the rural area may be he knew you but if you don't know people -- you likely don't want them in your vehicle.

Rep. Headland: (33.7) In this instance did that somehow allow that person to avoid a ticket.

Captain Bruckner: No He didn't stop him to give him a ticket --- it was a tail light or something -- but had he wanted to get some information he couldn't .

Rep. Headland: So he took his license back and wouldn't show it again?

Captain Bruckner: No he did let him look at it again.

Rep. Headland: So he did get his information but it wasn't convenient.

Chad Hagen: President of the Fraternal Order of Police: We support this bill. One of the things we are interested in is the officer's safety. It is correct that the officer can stand next to the car and write down all the information of the driver's license. But when an officer is standing next a car and looking at a driver's license, writing down information -- it is really hard top keep track off what else is going on in that car when there are four other passengers -- with technology, in

Page 4
House Transportation Committee
Bill/Resolution Number HB 1277
Hearing Date January 23, 2003

some of the larger jurisdictions -- they have what is called mobile data computers in the car and on the back of the North Dakota driver's license now there is bar coding -- so it is real easy for us to speed up the traffic stops, and to get them on their way - once all this technology is in place. It is quicker and safer.

Rep. Delmore: Under what conditions would you keep the license?

Chad Hagen: There are only a few circumstances where we would keep the license -- A DUI or if the person is driving under suspension and we didn't have their license. I can't think of any others.

There being no one wishing to testify further either for or against HB 1277, the Chairman closed the hearing.

End (39.3)

Action - Tape 1 Side B -- (7.5)

Rep. Zaiser: (7.7) Moved a 'Do Pass' for HB 1277. Rep. Ruby seconded the motion.

On a roll call vote the motion carried 12 Ayes 0 Nays 1 Absent and not voting.

Rep. Zaiser was designated to carry HB 1277 on the floor.

End (9.7).

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

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1277

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 30483.0100

Action Taken Do Pass

Motion Made By Rep. Zaiser 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. Zaiser

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

La Costa Rickford 10/2/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 23, 2003 12:40 p.m.

Module No: HR-13-0984
Carrier: Zaiser
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1277: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1277 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-13-0984

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2003 SENATE TRANSPORTATION

HB 1277

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1277

Senate Transportation Committee

Conference Committee

Hearing Date 3-13-03

Tape Number	Side A	Side B	Meter #
2		X	5340-5900

Committee Clerk Signature *Mary K Monson*

Minutes:

Chairman Senator Thomas Trenbeath opened the hearing on HB 1277 relating to the display of a motor vehicle operator's license.

Senator Judy Lee (District 13) introduced HB 1277. There are people who have interpreted the current statute, which says that "if stopped by law enforcement an individual must display his drivers license," to mean it doesn't have to be turned over to the officer. This language would say that an individual would need to surrender the license to the officer so he can go back to his vehicle and do the checking that needs to be done. This bill is to correct the narrow interpretation of "display".

Senator Mutch asked how she would describe "physically surrender".

Senator Lee answered that an individual would actually hand it to the officer not just show it.

Senator Espegard asked for more clarification.

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