

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1262

2007 HOUSE TRANSPORTATION

HB 1262

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1262

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-23-2007

Recorder Job Number: 1739

Committee Clerk Signature

Suzanne M. Thomas

Minutes:

Chairman Weisz opened the hearing on HB 1262. Rep. Dosch was absent.

HB 1262 relates to number plates.

Rep. Belter introduced the bill.

Rep. Belter: HB 1262 would change our requirement of having two license plates on a vehicle.

Today's modern cars are no longer designed for front license plates. In fact, some of them no longer even have holes drilled in the front bumper and the dealers have to put holes in the bumpers in order to put these plates on. We in North Dakota are very unique in the fact that our front bumpers are often full of bugs. You probably notice how your bumper is either bent from hitting a snow bank or a curb. It's a huge expense to the state. Many vehicles that are being built today that the installation of a front bumper is an after thought. Motorcycles are not required to have a front license plate. Three of my collector cars are corvettes. As a municipal judge for sixteen years, I realize that law enforcement wants the front plate for their reasons. I would like to see the plates eliminated. I have a car that has no front plate and has been on the road for ten years and driven in many states and nobody has questioned it. I thought for years it would be great if we didn't have a front license plate. *(Referring to emails he had received)*

See attached handout given by Rep. Belter

There are twenty-eight states that do not require a front a plate. I have the greatest admiration for law enforcement and I know that they are opposed to this, people don't remember license plates numbers in emergencies the way the do remember make and color of vehicle. Today's vehicles are streamlined and they are aerodynamically designed and I think it's time that we streamlined our license plate requirements. I have two amendments that I would give you at this time. *Please see attached amendments*

Rep. Delmore: Some of the identification that's done at gas stations and other places are done with video. What do you think the affect would be on some of those if there was only one plate?

Rep. Belter: That certainly is a legitimate concern. My answer to that would be, how do twenty-eight other states get by with one plate? By in large, we are probably more crime free than nearly any state in the union. I would think that if Arizona and the Carolina's can get by with one plate at their convenience stores, then we could too.

Rep. Vigesaa spoke in support of the bill.

Rep. Vigesaa: I am standing before you tonight as an auto dealer. I'm speaking on behalf of some of my customers. We sell new cars and as Rep. Belter mentioned, the new car designs are very sleek and rounded and expensive. I have had several of my customers not want a front plate bracket. The only way to mount that on some of the new cars is to drill a hole in the fascia. These cars are getting pretty expensive and it does pain me when we have to take a drill to some of those cars. I have seen many times when the drilling done by the technician is not perfect.

Bruce McCollom, spoke in support of the bill on his own behalf.

McCullom: I am a corvette owner. I have researched this and it comes down to dollars vs. law enforcement wanting the second tag. My take on the thing is in the interest of spending our dollars wisely, my suggest is, is the cost of the second tag worth it? Take the money for the cost of the second tag, which I see is about a half million dollars per biennium. My suggestion that would be in the highway patrol fund and they are given the option of using that for a second tag or for something else. That is my contribution. Thank you.

There was no further support for the bill. Chairman Weisz allowed opposition at this time.

John Olson, North Dakota Peace Officers Association, spoke in opposition to this bill. See attached.

Rep. Ruby: Do you have any comparison statistics of recovered vehicles or vehicles stolen compared to the states that have just one.

Olson: I don't have that with me. I don't think that would be difficult to get.

Rep. Schmidt: Do you know of any states that have gone to one plate and gone back to two?

Olson: I don't know that for a fact.

Brian Klipfel, North Dakota Highway Patrol, spoke in opposition to the bill. See attached testimony.

Mike Rud, North Dakota Petroleum Marketers Associations, opposed the bill. See attached testimony.

LaRayne Haakenson, Stalmart, spoke in opposition to the bill.

Haakenson: I am the area supervisor for Stalmart stores in Bismarck-Mandan.

If you pass this bill, gasoline theft will most certainly increase as you have heard. Stalmart has nine stores in North Dakota and in the month of December alone, we have suffered about twenty-five hundred dollars in fuel theft. However, in the store as we currently have cameras

outside, we were able to collect approximately eighty to ninety percent of the losses. If you take away that front license plate, you eliminate any recovery of those losses. According to the national association of convenience stores, the average loss per store for 2005 was two thousand six hundred seventy-eight dollars and that number would certainly increase. In fact over three billion dollars in losses in the year 2005 occurred nationally. If you pass this bill, you will encourage criminal activity. You will take all the risk out of gasoline theft even in stores with cameras, because more people who are inclined to steal will take advantage of this. I would bet that gas theft will more than double. Our company would then stand to lose fifty to sixty thousand dollars per year. We are also very concerned that the lack of a front plate will encourage criminal to be more brazen at our stores and commit more serious crimes such as robbery, putting our clerks in danger. Convenience store owners would also be discouraged from installing outside surveillance in the first place, creating more issues with employees. We recently twenty thousand dollars worth of outside surveillance equipment at our east truck stop and we certainly would not have done it without the front plates. If you pass this bill, you take away the ability of convenience stores and law enforcement to work hand in hand to solve these crimes. What if there was an Amber Alert? How would any of us feel wondering if even one child could have been saved by the clerk or video of the drive-off that provided the plate number. If you pass this bill, it will hurt the employees. Most c-store managers receive part of their wages based on bottom line profit of their store. With increase in gasoline theft that will occur, profits will be lower and so will the paychecks of these employees. Store managers will receive less pay for doing the same amount of work. I have heard that the state will save about five hundred thousand dollars by not issuing two plates, however, the plates are produced by Roughrider Industries, which is an entity and the number that I have is that they will lose about three hundred fourteen in lost revenue for producing these plates so the way I did the math, it

seems that the state would only be saving one hundred eighty six thousand dollars. About seven hundred twenty thousand licensed vehicles in this state, why not just charge everybody an extra dollar? Better yet, why not just switch from renewing these plates from every five years, to every ten years? We just think there are better, safer, more sensible alternatives than eliminating the front license plate requirement.

Rep. Weisz: How much has gasoline them gone up since the rise in price per gallon?

LaRayne: I don't have an exact number for that.

There were no further questions from the committee. There was no further opposition to the bill. The hearing was closed. No action was taken at this time.

FISCAL NOTE
Requested by Legislative Council
01/10/2007

Bill/Resolution No.: HB 1262

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.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$314,556		\$314,556
Expenditures				(\$499,295)		(\$499,295)
Appropriations				(\$499,295)		(\$499,295)

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$114,838	\$69,901		\$114,838	\$69,901	

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill will establish a single plate per vehicle requirement.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The cost of producing a single plate per vehicle is approximately 77.70% of the cost currently incurred for the two plate system. This is due to both a cost increase for single plates and loss of price reduction for plate pairs. Additionally, all vehicles do not currently required two plates. This bill would only impact those vehicles that currently have two plates. The cost reduction per biennium would be approximately 500,000.

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.*

The reduction in cost would leave \$499,295 more funding in the Highway Distribution Fund which would be available for distribution to the DOT (63% share = \$314,556), Counties (23% share = \$114,838), and Cities (14% share = \$69,901).

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.*

The cost reduction would equate to approximately \$250,000 per year in reduced plate cost. No reduction would occur in staffing or other associated costs. The workload and processes currently utilized would remain. There would be a slight reduction in postage due to reduced weight, however that amount would be negligible and the number of items mailed would not decrease.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Because of the reduction in expenditures, the DOT appropriation for Motor Vehicle could be reduced by \$499,295 for the 2007-2009 biennium.

Name:	Lorrie Pavlicek	Agency:	NDDOT
Phone Number:	328-2725	Date Prepared:	01/13/2007

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1262

Page 1, line 1, after the first comma insert "39-04-10.3,"

Page 1, after line 11, insert:

"SECTION 2. AMENDMENT. Section 39-04-10.3 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.3. Personalized plates. The department may, ~~in its discretion,~~ provide a special license plates plate marked with not more than seven numerals, letters, or ampersands, or combinations of numerals, letters, and ampersands, at the request of the registrant, upon application ~~therefor for the plate,~~ and payment of an additional fee of twenty-five dollars per registration period. Upon request, the department shall provide a registrant of a motor vehicle two special license plates. The department shall make the special license plates authorized by this section available for motor vehicles registered under section 39-04-10.6, trailers, travel trailers, and motorcycles. The fee for ~~the a special license plates plate~~ issued under this section for vehicles registered under section 39-04-10.6 is a one-time fee of one hundred dollars. The special license plates for motorcycles may contain not more than six numerals, letters, or ampersands, or a combination of not more than six numerals, letters, and ampersands. In the event of sale or transfer of the vehicle, the owner must remove the special license ~~plates plate~~ in accordance with section 39-04-36. Upon payment of the applicable transfer fee, the special license ~~plates plate~~ may be transferred to a replacement motor vehicle."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1262

Page 1, line 2, after "plates" insert "; and to provide for application"

Page 2, after line 31, insert:

"SECTION 4. APPLICATION. The department shall issue one number plate, instead of two number plates, beginning with the next general issuance of number plates."

Renumber accordingly

Date: 2-1-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES 1262
BILL/RESOLUTION NO. _____

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Owens Seconded By Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore		✓
Vice Chairman Ruby	✓		Rep. Gruchalla		✓
Rep. Dosch			Rep. Myxter		✓
Rep. Kelsch		✓	Rep. Schmidt		✓
Rep. Owens	✓		Rep. Thorpe		✓
Rep. Price		✓			
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 5 No 7

Absent 1

Floor Assignment motion failed

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

Date: 2-1-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES 1262
BILL/RESOLUTION NO. _____

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Price Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz		✓	Rep. Deimore	✓	
Vice Chairman Ruby		✓	Rep. Gruchalla	✓	
Rep. Dosch	A		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens		✓	Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut		✓			
Rep. Vigesaa		✓			

Total Yes 7 No 5

Absent _____

Floor Assignment Gruchalla

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

Date: 2-1-07
Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1262

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Reconsider Action - Voice Vote

Motion Made By Owens Seconded By Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz			Rep. Delmore		
Vice Chairman Ruby			Rep. Gruchalla		
Rep. Dosch			Rep. Myxter		
Rep. Kelsch			Rep. Schmidt		
Rep. Owens			Rep. Thorpe		
Rep. Price					
Rep. Sukut					
Rep. Vigasaa					

Total Yes _____ No _____

Absent Motion Failed

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

HB 1262: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS
(7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1262 was placed on the
Eleventh order on the calendar.

2007 TESTIMONY

HB 1262

Rep. Belter

Section 4: License Plates

1. How many license plates does your jurisdiction require?

One -- 28 jurisdictions

Alabama	Kansas	Oklahoma
Alberta	Kentucky	Pennsylvania
Arizona	Louisiana	Prince Edward Island
Arkansas	Manitoba	Quebec
Connecticut	Michigan	South Carolina
Delaware	Mississippi	Tennessee
Florida	New Mexico	West Virginia
Georgia	North Carolina	Yukon Territory
Idaho	Northwest Territories	
Indiana	Nova Scotia	

Two -- 38 jurisdictions

Alaska	Massachusetts	Ontario
British Columbia	Minnesota	Oregon
California	Missouri	Rhode Island
Colorado	Montana	Saskatchewan
Connecticut	Nebraska	South Dakota
District of Columbia	Nevada	Texas
Hawaii	New Brunswick	Utah
Idaho	New Hampshire	Vermont
Illinois	New Jersey	Virginia
Iowa	New York	Washington
Maine	North Dakota	Wisconsin
Manitoba	Nova Scotia	Wyoming
Maryland	Ohio	

Comments

Alberta	Personalized plates are issued in pairs.
Arizona	Personalized plates and special plates.
British Columbia	One plate for motorcycle, ATV (restricted), trailer, manufacturer, demonstration, transporter, repairman and vintage.
California	One plate for truck tractors, trailers, motorcycles and special equipment.
Colorado	Except for proportionally registered vehicles, non-motorized vehicles, ATVs, motorcycles or mopeds.
Delaware	Personalized plates are issued with an association to the license number plate.
Florida	Two plates are required on trucks with a gross vehicle weight of 26,001 lbs. or more.
Georgia	Exceptions are disabled veterans, handicapped veterans plates
Idaho	One plate only for motorcycles, ATVs or semi-trailers: vehicles operated by a manufacturer, repossession agent, or dealer; vehicles displaying year of manufacture, street rod, old timer or classic plates.
Kansas	Personalized are issued in pairs. The auto owner has the option to display one or both plates. (2002 legislation).
Maryland	One plate only for trailers, motorcycles and tractor-trailers.

North Dakota
Peace Officers
Association

John M. Olson
Lobbyist # 256

One vs. Two License Plates

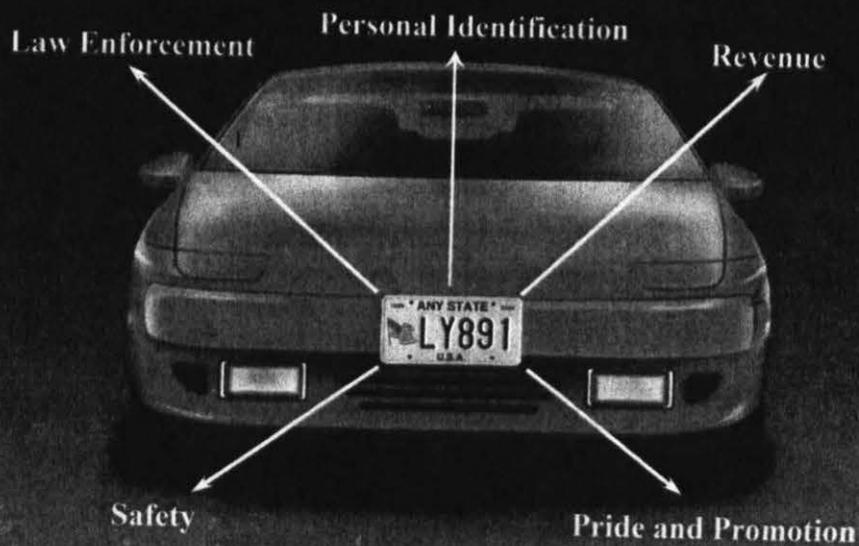


What does a front plate offer?

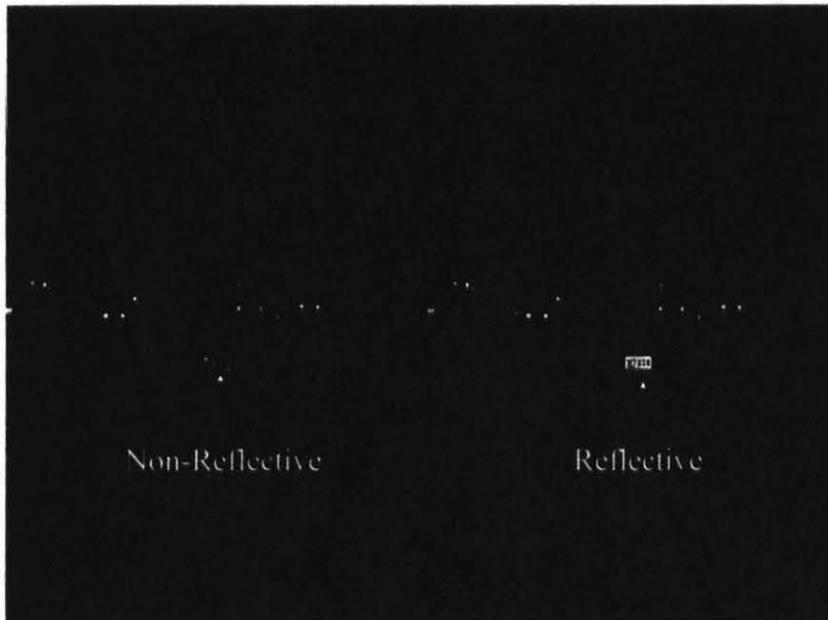
- Tool for identification (Law Enforcement)
- Enforce vehicle registration laws (LE, Dept of Transportation)
- Enhance homeland security efforts (LE, DOT)
- Financial benefit (Dept of Corrections, Rough Rider Industries)
- Inmate employment (RR)
- Promotion of state identity (Government Officials)
- Safety (Motorists)

What does it offer?

License Plate Functions



Pride and Promotion





Assist Law Enforcement

- Traffic Laws
- Visual Identification
- Gas Stations and Red Light Cameras
- Recovery of Stolen Vehicles
- Apprehension of Criminals
- Amber Alert
- Police Officer Safety, I.D. Vehicles at a Safe Distance
- National Security



Assist Law Enforcement



INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE HIGHWAY SAFETY COMMITTEE

2000 GOALS

The overall goal of the IACP Highway Safety Committee is to reduce crashes and injuries through problem identification, enforcement, and public information, and through these means to achieve a national fatality rate of 1.2 or less deaths per 100 million vehicle miles traveled by the year 2000. In support of this overall goal the Highway Safety Committee will:

LICENSE PLATE SYSTEMS

- A. Support standards for license plates and validation stickers that include clearly visible, legible reflectorized front and back license plates and unique plate systems that contain standardized numbers, avoid duplication of identification, and identify the state, plate type, and expiration date.
- B. Support new plate issues at sufficient intervals to minimize loss of reflectivity and registration avoidance.

COMMUNITY POLICING/TRAFFIC AND CRIME

- A. Support community policing concepts that recognize traffic safety as a high priority that can lead to the reduction of crime, violence, and public fear and apprehension as well as saving lives on the highways.
- B. Support the use of inter-agency partnerships which address traffic safety enforcement and its potential effect on crime.



IACP supports: clearly visible, legible reflectorized front and back license plates

IACP Website Statistics

- Motor vehicle thefts occur at the rate of 3,200 a day, resulting in 1.1 million vehicles stolen annually
- Monetary losses from motor vehicle thefts exceed \$7.5 billion annually
- Motor vehicles are used in 70% of all of the serious crimes committed in the United States

Patrolman Patrick Chubb, St. Regis
Mohawk Tribal Police, Hogansburg, NY.

- On December 22 1998 Patrolman Chubb became suspicious when he saw a vehicle with a Virginia plate approaching him on a dead-end road. He ran the plate number and arrested two suspects wanted for murder in Virginia. They were driving the victim's car.

Bismarck Tribune, February 17, 2005

Authorities had no problems tracking down the man who allegedly hit a parked car early Wednesday and sped away.

The suspect vehicle turned out to be only a computer search away when investigators found a license plate among the vehicle parts.

Sergeant David Harris, Prince George's County, MD Police Department

- On March 20, 1999 Sgt. Harris stopped a vehicle for not having a front license plate. After receiving the driver's identification, Sgt. Harris returned to his car to do a records check. The driver of the stopped vehicle pulled a hidden handgun and shot himself in the head, killing himself. The driver was later found to be a suspect in three abductions and sexual assaults from a local high school.

Officer Paul Ludwig, Metro Transit
Police, Washington, D.C.

- On September 2, 1998 Officer Ludwig stopped a vehicle without a front plate and found that the driver was wanted in Prince George's County for two counts of armed robbery.

Officer Scott Alameda, Fremont CA
Police Department

- On August 28, 1998 Officer Alameda spotted a minivan that matched the description of a vehicle used in a robbery and murder. He made a traffic stop based on a missing front plate and, assisted by back-up officers, arrested four suspects and recovered evidence in the vehicle linking them to the robbery and murder.

Officer Sherief Ibrahim, UC Berkley Police Department

- Officer Ibrahim responded to a woman's screams while on foot patrol. He noted the front license plate of a vehicle leaving the scene. Moments later a woman reported being assaulted and robbed. The license number led to the arrest of two ex-convicts wanted in three car-jackings, robberies and brutal assaults.



Value Proposition

- License plates may be the number one law enforcement tool for an officer on patrol.
- It is also one of the cheapest tools LE utilizes to identify vehicles. States are making large investments in law enforcement communications equipment and by taking away the front plate, you are greatly reducing the effectiveness of the equipment.
- 70% of all criminal activities involve a vehicle and by taking away the front plate you decrease the chances of identifying that vehicle.

Law Enforcement

- Not enough officers on the road
- Lack of funding
- Difficulty in apprehending criminals
- Perceive the benefit of a front plate



NORTH DAKOTA PETROLEUM MARKETERS ASSOCIATION

1025 N 3rd Street • PO Box 1956 • Bismarck, ND 58502
Telephone 701-223-3370 • www.ndpetroleum.org • Fax 701-223-5004

REPRESENTING:

Bulk Oil Jobbers
Convenience Stores
Service Stations
Truck Stops

Testimony HB 1262

January 23, 2007 – House Transportation

Chairwoman Weisz and members of the Committee:

For the record, my name is Mike Rud. I'm the President of the North Dakota Petroleum Marketers Association. NDPMA represents nearly 600 gas retailers from across the state. On behalf of our association members, I'm here urging you to recommend a **"DO NOT PASS" on HB 1262.**

NDPMA stands in opposition to HB 1262 because it will likely have a major impact on the gas retail business. NDPMA believes a vehicle with only one license plate will increase the chances of customers driving away without paying for gas. We feel it will be extremely difficult to catch someone who's intent on stealing gas. This past summer when gas prices reached all time highs, many marketers saw an increase in the number of drive-offs. In fact, some marketers decided to go to a pre-pay method, forcing the customer to come into the store and tell them how much gas they were going to get before the cashier could start the pump. This isn't a good way to build customer relations. However, there aren't many alternatives.

In a few moments you will hear from a marketer who has been fighting a battle against drive-offs for some time. You will note her solution to the problem places a major financial burden on her business. Many smaller marketers can't afford this option. They must rely instead on the eyes of their cashiers.

Two license plates make it a little easier to prevent drive-offs. One license plate will almost certainly place more burdens on local law enforcement because of the likely increase in drive-off attempts.

For the sake of gas retailers across the state, NDPMA urges a **"DO NOT PASS" recommendation on HB 1262.**

This concludes my brief testimony. Thank you for your time and consideration on this very important matter.



House Bill 1262

Submitted by

Colonel Bryan Klipfel, Superintendent NDHP

January 23, 2007

Good evening, Mr. Chairman and members of the House Transportation Committee. My name is Bryan Klipfel and I am Superintendent of the North Dakota Highway Patrol.

The Highway Patrol opposes HB 1262 mandating the issuance of only one license plate in North Dakota. Having the opportunity to identify a vehicle through observation of the front license plate is extremely beneficial. Let me give you some examples:

In the event of an Amber alert, having the opportunity to observe the front license plate and identify the suspect's vehicle when meeting it saves valuable time in our ability to respond to the call.

Routinely our officers are asked to do a 'welfare' check on motorists that have not arrived at a specific destination and are missing. Having the ability to patrol a highway and observe the front plate allows for easier identification of the vehicle.

We currently have 125 highway patrol cars equipped with mobile data computers (MDCs) that allow us to run license plates as vehicles are met on the roadway. There are also 484 law enforcement units from 29 other North Dakota agencies with MDCs. This technology allows us to check for active wants and warrants, match registration information to the vehicle observed, and identify potential suspect vehicles all by the officer having the ability to read the front license plate while meeting the vehicle on the roadway. Taking away this ability stagnates the technology available to our officers and becomes a potential safety issue if the vehicle is stopped without a license check being made.

Being able to identify a vehicle by license plate, either front or rear, is critical for all law enforcement. With the potential for snow during the winter months, it is common for the rear plate to become covered by ice, mud, and snow. During these times the front plate is the only means that we have available to identify the vehicle.

The front license plate is the only reflectorized part on the front of a motor vehicle. When looking for abandoned vehicles, highway assists or other traffic hazards, the front license plate will often be the only means of identifying the stopped vehicle.

It should be noted that the majority of the northern states require two license plates. North Dakota's bordering states of South Dakota, Montana, and Minnesota and the provinces of Manitoba and Saskatchewan all require two plates.

Thank you, Mr. Chairman. I would be happy to answer any questions you have at this time.