

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2146

2007 SENATE TRANSPORTATION

SB 2146

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2146

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1918 & 1919

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Gary Lee opened the hearing on SB 2146 relating to proof of insurance. There were 5 committee members present and one absent.

Senator Heitkamp spoke in favor of SB 2146. He stated that this is a companion bill to 2165 and stems from the same incident in his district that prompted him to sponsor both bills. In the accidents that happened in Ransom County the driver had no insurance and had twenty days to submit evidence of a policy to the officers. SB 2146 would change the twenty days to forty-eight hours. In this particular case, the local law enforcement did not do their job. There were two accidents and the last one may have been avoided if SB 2146 was in place. He feels that this bill will close a loop hole.

Senator Nething asked if 48 hours was possible and practical. He gave an example of a holiday weekend accident and that it would be impossible to prove insurance coverage or no insurance coverage in 48 hours.

Senator Heitkamp answered that we have to use common sense and also said that in line 16 and 17 it says evidence of the policy to the officer or the officer's agency within forty-eight hours of the time of the request. So to make that work in that situation they could wait to request the information so it would fall into a 48 hour window. Senator Heitkamp said 20 days

was just too long to wait to be accountable for insurance. He stated that in this incident the individual did not have insurance at the first accident and should not have been driving at either accident but surely not at the second one which killed a thirteen year old boy. Also, they had a local problem and the individual (driver) had friends in high places. They had problems with local level procedure.

Representative Gulleon testified in support of SB 2146. She pointed out that the bill addresses the areas we need to address to prevent this tragedy from happening again. She asked the committee for their support of SB 2146.

Larry Wayman, Ransom County testified in favor of the bill. He told the committee at the hearing of SB 2165 the circumstance leading up to this bill. He told the committee that in a two week time period his family had two accidents both involving the same person running into members of his family. The first accident involved his adult son who was traveling with a stock trailer and he was hit by the driver. The driver commented that he had no insurance but nothing was done. Two weeks later the same driver hit Mr. Wayman and his grandson. His thirteen year old grandson died in that accident. If this bill had been in place the driver would not have been driving at the time of the second accident. Mr. Wayman also said that the new sheriff of Ransom County is in favor of SB 2146.

Lynn Heinert, NDDOT signed the registration in favor of SB 2146.

No opposing testimony.

No neutral testimony.

Hearing closed.

Senator Lee reopened the discussion on SB 2146 during committee work on 1-25-07.

Senator Nething questioned the 48 hour time limit to submit satisfactory evidence of an insurance policy.

Discussion followed on what was an appropriate and do able time limit for a person to produce satisfactory evidence of a valid policy of liability insurance.

Senator Nething move to amend SB 2146 to change forty-eight hours to seven days.

Senator Potter seconded.

Senator Lee called for a voice vote. 5-0-1

Senator Nething moved a do pass as amended.

Senator Bakke seconded.

Clerk called a roll call vote. 5-0-1.

Senator Nething will carry the SB 2146.

J.B.
1-25-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2146

Page 1, line 16, after "~~twenty~~" insert "seven" and remove the overstrike over "~~days~~"

Page 1, line 17, remove "forty-eight hours", overstrike the first "of" and insert immediately thereafter "from", remove the overstrike over "~~date~~", and remove "time"

Renumber accordingly

Date: 1-25-07
Roll Call Vote #: 2146
5-0-1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 2146

Action Taken Do Pass

Motion Made By Senator Nething Seconded By Senator Bakke

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator JoNell Bakke	✓	
V Ch John Andrist			Senator Tom Fiebiger	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Nething

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

REPORT OF STANDING COMMITTEE

SB 2146: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2146 was placed on the Sixth order on the calendar.

Page 1, line 16, after "~~twenty~~" insert "seven" and remove the overstrike over "~~days~~"

Page 1, line 17, remove "forty-eight hours", overstrike the first "of" and insert immediately thereafter "from", remove the overstrike over "~~date~~", and remove "time"

Renumber accordingly

2007 HOUSE TRANSPORTATION

SB 2146

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2146

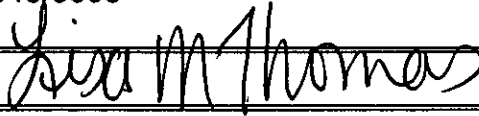
House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-22-2007

Recorder Job Number: 3648/3655

Committee Clerk Signature



Minutes:

Chairman Weisz opened the hearing on SB 2146. SB 2146 relates to proof of insurance.

Representative Kelsch was absent.

Senator Heitkamp introduced the bill.

Senator Heitkamp: You are going to hear a bad story about what happened down in Ransom County. I had the fortune to be able to share some of this with the chair prior to the hearing and this bill and one other tomorrow. The bills get to the heart and soul of how we as a state deal with accidents and what we can do to try to minimize and protect people from what already happened. So you are going to hear a story of how a young man struck another and did not have insurance and did not have proof of insurance but the law allowed him those thirty days to provide that proof. He didn't have it and if it was found out in that time period that he didn't have it, maybe it would have been kept off of the road. Then that same individual later on, struck the same families car and took the life of a young man. This bill deals with the insurance part of it. When it first came to the Senate, it talked about forty-eight hours. Instead of these thirty days you should be able to prove that in forty-eight hours, that you have insurance. The Senate committee deemed that was to narrow. You could have holidays or things going on, where you lost your ticket and might not get to your insurance agent. So the

bill was amended to seven days. It narrows that time period when you would have to go back in and get proof to the law enforcement. This won't fix what happened in Ransom County, but it at least gets the message out that driving without insurance that you need to prove it, or else we are going to keep you off of the road and use every method we can to keep you off of the road. Hopefully your committee can give it a due consideration which I know you will.

There were no questions from the committee.

Larry Wayman, on his own behalf, spoke in support of the bill.

Wayman: The first time, on April 24th, he was going at a high rate of speed and said he either feel asleep or blacked out, he didn't remember. If my son hadn't seen him swerve at that time, he would have hit him head on. He was going seventy-eighty miles an hour. As it was he went to blow, even with the high rate of speed it was total between the two was over seventy-five hundred dollars worth of damage plus my son has medical injuries. I was standing there and my son was standing there and he (the other man) told the sheriff right out, that he had no insurance. I never thought anything about it until less than two weeks later when I picked my son up from.....that same kid come flying out from the south, slammed into the passenger side of my pickup and killed my grandson. And again, no insurance. Just before that, my son and I had asked the highway patrol about it and the highway patrol talked about even though he told that story that he had recanted his story so they were going to allow him twenty days to show proof of insurance, which they knew he never had any in the first place. That allowed him those twenty days to get right back on the road with no insurance. What really got me mad was after I got out of the hospital and got told that the kid was out driving again with no insurance and I asked the Sheriff why he wasn't arrested for this. "Well, we have to allow him the twenty days and he could go to court and plead guilty, we have to protect his fourth amendments rights, so there is nothing we can do about it." This is ridiculous that had he been forced to

show within the forty-eight or even seventy-two business hours proof of insurance, if not, then they should have had something like failure to comply with a warrant for the arrest to keep them off of the road. The only ones that are not going comply with this are the people that don't have any insurance. Let's get them off of the road before them mame, injure, or kill like this kid did to my family. That is one of the reasons I talked to Joel about sponsoring this bill for me. He has cost me a fortune and the life of my grandson.

There was no further support for the bill. There was no opposition to the bill. The hearing was closed.

Later that day, Chairman Weisz allowed committee discussion on this bill.

Rep. Weisz: Maybe if we could, anyone involved in an accident and didn't have proof of insurance at that time, would have seventy-two hours to provide it, incase of an accident. We would leave the rest, but if you have been involved in an accident, you don't have twenty days to fly around, like this person did, to provide proof of insurance. If you have a major incident.

Rep. Gruchalla: Didn't that bill start out at three days?

Rep. Weisz: Yes. I believe it was forty-eight hours.

Rep. Gruchalla: With a holiday weekend, they have that.

Rep. Weisz: In case of an accident, you could say three business days, so it is not counting the weekend, and leave the rest of the language.

Rep. Price: When does the clock stop, is it the post marked date or is it actually received and stamped in their office?

Rep. Weisz: I remember was that it started ticking when he wrote out the ticket, but it had to be post marked by that day. I could be wrong.

Rep. Ruby: This says from date of request.

Rep. Gruchalla: I can just see a case where someone is at a basketball tournament for a long weekend and didn't have time to get home and get the card.

Rep. Weisz: Yes, but at the same time, if they are in an accident, why shouldn't they be required to do that? That person had an accident and they were running around three weeks later to have another one and still hadn't been required to show proof. At least this would address that. In a lot of cases, that is where it shows up, is the accident.

We could make it seven days, I was just throwing numbers out.

Rep. Thorpe: When we deal with a number of days, if we give them three days, working days and it occurred on the weekend that would give them five days. That would be reasonable.

Rep. Delmore: I like the idea of designation of whether they had an accident or not. I got stopped without a card because I had just gotten my car. I was covered and called the insurance agent immediately and had trouble getting a hold of the agent to get me the card. I was in Bismarck, so I had to go to the office, but there are glitches, and I think that is a little different situation than the other and I can see typing that part of it up as well, but I can see making it three business days.

Rep. Ruby moved to amend the bill to say if in an accident, you have seventy-two hours to provide proof of insurance. Rep. Price seconded.

Voice Vote: 12 yes. 0 no. 1 absent.

Motion carried and the amendments were adopted.

Rep. Thorpe moved a DO PASS AS AMENDED. Rep Sukut seconded.

Carrier: Rep. Thorpe

**House Amendments to Engrossed SB 2146 (70225.0201) - Transportation Committee
02/22/2007**

Page 1, line 16, remove the overstrike over "~~twenty~~" and remove "seven"

Page 1, line 17, after "request" insert "however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three days from the date of the request"

Renumber accordingly

Date: 2-22-07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2146

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number Voice Vote

Action Taken to Amend to "if accident 72 hours" - 3 business days

Motion Made By Ruby Seconded By Price

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

Total Yes 12 No 0

Absent 1 (Motion Carried)

Floor Assignment _____

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

Date: 2-22-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES 2146
BILL/RESOLUTION NO. _____

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Thorpe Seconded By Sukut

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

Total Yes 12 No 0

Absent 1

Floor Assignment Thorpe

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

REPORT OF STANDING COMMITTEE

SB 2146, as engrossed: Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2146 was placed on the Sixth order on the calendar.

Page 1, line 16, remove the overstrike over "~~twenty~~" and remove "seven"

Page 1, line 17, after "request" insert "; however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three days from the date of the request"

Renumber accordingly

2007 SENATE TRANSPORTATION

CONFERENCE COMMITTEE

SB 2146

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed SB 2146

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: April 4, 2007

Recorder Job Number: 5741

Committee Clerk Signature

Jody Hays

Minutes:

Senator Gary Lee opened the Conference Committee hearing on Engrossed SB 2146 relating to proof of insurance. All committee members were present. The House did make some changes to the Senate Bill and the information is in your packets. He asked for someone from the House side to explain their position.

Rep. Sukut said that both the House and the Senate heard the same testimony about the accident in Ransom County and the death of a young man. This bill and the amendments originated from trying to address that situation. He said that the House amendment that was on page 1, line 17, was an effort to address that situation. He said that in the amendment they neglected to put in the word business between three and days. They intended it to read three business days: "however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three days from the date of the request." The other language change was to strike the seven and put back twenty days feeling that this was adequate for the other situations. They figured that twenty was working and saw no reason to change it.

Rep. Vigesaa said in their committee they thought that a lot of the requests for proof of insurance were just during a routine traffic stop and twenty days was sufficient for someone to

get it in. However the accident definitely needed to be addressed and that is why they tightened that up with 3 days.

Senator Potter asked if the language "business days" is recognized in the century code.

Rep. Delmore said that it was.

Senator Nething said that in lines 11 & 12 it talks about investigating the accident and then we reiterate it again in the second phrase. The current law says: Upon being stopped by a law enforcement officer for the purpose of enforcing or investigating the possible violation of an ordinance or state law; and than secondly: or during the investigation of an accident, the person driving the motor vehicle shall provide to the officer upon request satisfactory evidence of the policy required. If unable to comply with the request, that person may be charged with a violation. Then he stated that we add the language: however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three days from the date of the request. He said that we have two pavilions here dealing with investigations of accidents, one is twenty and one is three.

Rep. Vigesaa said he looked at this also and wondered if they need to come to some agreement to change this.

Rep. Delmore said that she thought they were just setting up two tiers: if you are charged with speeding you have 20 days to provide; however if you are in an accident you have three business days.

Senator Nething said then we should take out the investigation of the accident in line 12 if your intension is 20 days for a traffic stop and 3 business day for an accident.

Senator Lee asked what was wrong with seven days.

Rep. Sukut said that one of the scenarios presented to the committee was the older driver and how the scenario could play out. Would seven days be enough?

Rep. Vigesaa talked about if the agent was on vacation or if the person in the accident was on vacation.

Senator Nething said that the Senate Committee was trying to deal with the accident and had they had to prove insurance would that individual been driving. Maybe the seven days is the middle ground.

Senator Potter said that we are presuming that an accident is more serious than a violation but what if someone might be stopped and he is going 95MPH in a 35MPH zone and no accident and someone else may have had a fender bender on ice and not serious but the second incident would require a blood test and the first wouldn't. He was having trouble with this.

Senator Nething said that the difference is that a violation such as speed does not result in damage to anyone else's body or property but an accident does and that is when your insurance comes into play. If you are caught speeding your insurance is not a factor other than the fact that you are violating this first provision. He said that it boils down to how tough we want to be when someone else's property is involved. The House is suggesting that we do 3 business days and the Senate is suggesting 7 days for both because they didn't separate the two.

Rep. Vigesaa said the original request was 48 hours...

Senator Nething said it was geared toward the accident.

Rep. Vigesaa said from the original request the House is expanding it.

Senator Nething said we are talking about the Senate versions and changes made in that.

Rep. Delmore said that the sponsors just wanted it tightened up. There is a difference between being picked up for speeding and being in an accident.

Senator Nething asked for a break and if they could reschedule.

Senator Lee closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2146

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: April 6, 2007

Recorder Job Number: 5801

Committee Clerk Signature

Jody Hauze

Minutes:

Senator Gary Lee opened the Conference Committee on SB 2146 relating to proof of insurance. All committee members were present. Discussion followed on a possible motion and copies were distributed.

Senator Nething moved the House recede from the House amendment and further adopt amendment.

Representative Sukut seconded the motion.

Senator Nething said what this does is to create a 2 tier opportunity for presented proof of insurance. One related to violation of state law and the other on more serious occasion, that of an accident.

Senator Lee asked the clerk to call the roll. 6-0-0.

Motion passes.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2146

That the House recede from its amendments as printed on page 705 of the Senate Journal and pages 802 and 803 of the House Journal and that Engrossed Senate Bill No. 2146 be amended as follows:

Page 1, line 11, overstrike "or"

Page 1, line 12, overstrike "during the investigation of an accident"

Page 1, line 16, remove the overstrike over "~~twenty~~" and remove "seven"

Back to original

Page 1, line 17, after "request" insert "however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three business days from the date of the request"

Renumber Accordingly

Date: 4-6-07
 Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2146

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Moved the House recede from house amendment and further adopted amendment.

Motion Made By Senator Nething Seconded By Rep. Sukut

Senators	Yes	No	Representatives	Yes	No
Chairman Gary Lee	✓		Rep. Sukut	✓	
Senator Nething	✓		Rep. Vigesaa	✓	
Senator Potter	✓		Rep. Delmore	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 2146 (, as (re)engrossed):

Date: 4-6-07

Your Conference Committee Transportation

For the Senate:

For the House:

<input checked="" type="checkbox"/> <u>Senator Lee</u>	<input checked="" type="checkbox"/> <u>Rep. Sukut</u>
<input checked="" type="checkbox"/> <u>Senator Metheny</u>	<input checked="" type="checkbox"/> <u>Rep. Vigeran</u>
<input checked="" type="checkbox"/> <u>Senator Patten</u>	<input checked="" type="checkbox"/> <u>Rep. Delmore</u>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____ and place _____ on the Seventh order.

_____ adopt (further) amendments as follows, and place _____ on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

HOUSE CARRIER: _____

SENATE CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT: _____ YES _____ NO _____ ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2146, as engrossed: Your conference committee (Sens. G. Lee, Nething, Potter and Reps. Sukut, Vigesaa, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 705, adopt amendments as follows, and place SB 2146 on the Seventh order:

That the House recede from its amendments as printed on page 705 of the Senate Journal and pages 802 and 803 of the House Journal and that Engrossed Senate Bill No. 2146 be amended as follows:

Page 1, line 11, overstrike the third "or"

Page 1, line 12, overstrike "during the investigation of an accident"

Page 1, line 16, remove the overstrike over "~~twenty~~" and remove "seven"

Page 1, line 17, after "request" insert "; however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three business days from the date of the request"

Renumber accordingly

Engrossed SB 2146 was placed on the Seventh order of business on the calendar.