

**2015 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HCR 3019**

# 2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee  
Peace Garden Room, State Capitol

HCR 3019  
2/4/2015  
23202

- Subcommittee  
 Conference Committee

*Donna Whetham*

## Explanation or reason for introduction of bill/resolution:

To study driving without liability insurance.

## Minutes:

Attachment #1.

**Chairman Keiser:** opened hearing on HCR 3019.

**Representative Diane Larson:** District 30: Introduced HCR 3019. (00:36-2:59) (See Attachment #1).

**Representative Ruby:** The situation before law enforcement would be told a person had insurance and they would give a certain time for it to be shown and if it wasn't they would issue the ticket. The way it got changed they issued the ticket immediately and then when proof was shown it could be removed. It saved law enforcement from having to track people down. We didn't hear any opposition from the courts at that time.

**Representative Larson:** What has changed now is at the court end of it. The officer gets to issue the citation and it gets run through up to district court. Now the the district court now has to hold on to the information and if they bring in the proof of insurance. The charge has to be dismissed. Then they have to schedule a hearing. It created a person savings on the police side but it created a problem on the court side.

**Representative Boschee:** Would the solution be to just to mandate to have the insurance in the car and it is your personal responsibility?

**Representative Larson:** That is one of the ideas we heard. Maybe make it like a ticket where if you don't have your proof of insurance you would pay a fine. It would take more experts to comment on that issue. It is a bottleneck in the records on either end.

**Chairman Keiser:** We say "consider" the study.

**Representative Larson:** We talked to legislative council and when it is in a resolution this is the proper form.

**Chairman Keiser:** The way it's worded I thought you were going to drop the requirement for liability insurance. It should say without proof of liability insurance. We need to make an amendment there as well as line 13.

**Representative Larson:** I would appreciate if you would amend that.

**Chairman Keiser:** We have to decide who we want to burden the police or the court system.

**Representative Larson:** Or come up with some kind of a better way to do it.

**Chairman Keiser:** I would suspect within a year that most people will have access to a smart phone to access their insurance. What is your thought? This is a problem that will be corrected by technology.

**Representative Larson:** I was made aware of the problem by two different agencies and if the committee thinks that there is a better way to do it, go ahead.

**Aaron Burst~: Association of Counties:** Every session we shifted back and forth who should be holding it. I agree technology can deal with it but we thought the study resolution is probably a good way to see if the technology can be spurred quicker. How do you deal with all issues so that we do the most efficient effective thing .

**Representative Louser:** Are we talking about when somebody wants to dispute and go to court correct?

**Burst:** It's when someone gets pulled over and asked for insurance. They say they don't have proof in their possession and they go back and get the proof and provide it later.

**Representative Louser:** The infraction is I ran a red light and I said I had insurance but didn't have it with me. I would pay the ticket for speeding but will have to prove that I had insurance and I would have to go to court to prove that.

**Burst:** Yes.

**Representative Ruby:** There are a couple of places where we could add "proof". Line 8 where it is driving without liability insurance is common because of cost of insurance is an example. . It depends if we are going to study to keep insurance low or to fix this issue. We need to have a happy medium. I think it's important to have a grace period and if we pass it and that is the proof is what we are going to study. I think we need to clean up the language on this bill.

**Burst:** No one on the law enforcement or prosecutor side has a problem with a grace period it is just who enforces the grace period. We are not trying to study the cost of liability insurance.

**Representative Amerman:** The 10 days in statute or is the grace period up to the companies?

**Burst:** It's in statute.

**Chairman Keiser:** How many times this has switched back and forth.

**Burst:** Five times.

**Representative Ruby:** In the case of the out of state driver, isn't it better for the law enforcement to do it?

**Burst:** For the out of state driver it is better for law enforcement to give the ticket. I don't have the solutions but we would hope that we can get a better answer.

**Chairman Keiser:** One of the rational is it starts the time period. If we have a bad operator with no insurance out there the ticket goes to law enforcement department and then it goes to the court. It gives the bad operators more time and we need to get them off the road.

**Burst:** I can't agree more. The driver's with no insurance is a huge problem.

**Chairman Keiser:** Anyone else in support of HCR 3019? None. Anyone in opposition to HCR 3019? None. Anyone neutral? Seeing none. Closed the hearing on HCR 3019.

**Representative Ruby:** **Moves a Do Not Pass on HCR 3019.**

**Vice Chairman Sukut:** **Second.**

**Representative Amerman:** This seems like they should be able to sit down together and deal with this problem.

**Chairman Keiser:** I do think that technology is going to take care of this. It won't take care of the bad operator. I wish we had a system to take care of the bad operators? I don't see a solution.

**Representative Ruby:** I agree with you. It isn't that difficult to show an electronic proof.

**Representative M Nelson:** If you are going to rely on electronic forms of insurance be careful because of hills when driving I cannot get the proof then.

**Representative Laning:** I think a solution is to fine them \$100 for not carrying proof and \$200 if they don't have insurance at all. I think that would really help.

**Chairman Keiser:** **Any further discussion? Seeing none the clerk will take the roll on a do not pass on HCR 3019 and be placed on the consent calendar.**

**A Roll Call Vote was taken. Yes: 13 No: 0 Absent: 2. Motion Carried.**

**Representative Amerman:** **will carry the bill.**

Date: Feb 4, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3019

House Industry, Business & Labor Committee

Subcommittee  Conference Committee

Amendment LC# or Description: place on the consent calendar

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Ruby Seconded By Rep. Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Representative Lefor	x	
Vice Chairman Sukut	x		Representative Louser	x	
Representative Beadle	x		Representative Ruby	x	
Representative Becker	x		Representative Amerman	x	
Representative Devlin	x		Representative Boschee	x	
Representative Frantsvog	Ab		Representative Hanson	x	
Representative Kasper	Ab		Representative M Nelson	x	
Representative Laning	x				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Amerman

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

**REPORT OF STANDING COMMITTEE**

**HCR 3019: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR**  
(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3019 was placed on the  
Tenth order on the calendar.

**2015 TESTIMONY**

**HCR 3019**

# 1  
HCR 3019  
2/4/15

Mr. Chairman and members of the committee, for the record my name is Diane Larson and I represent District 30 in Bismarck and Burleigh County.

This resolution is due to a phone call that I got from a constituent who is a District Judge who said that after our last session we created a problem for his court staff having to do with people who are charged with driving without liability insurance. The ticket is sent to court and the court staff then has to hold onto the ticket to wait to see if the person does bring in proof of insurance to demonstrate that they actually do have insurance coverage but didn't have their proof with them at the time they were stopped. This was taking much more time and procedures to go through which takes considerably more staff time.

I spoke to the Police Chief who said that on their end, they prefer it the way it is now because they don't have to hold the charge in their records section for 10 days before sending it on to court once proof of insurance is not provided.

There is most likely a good solution if all parties can work on this together with a study to figure out what will be the most efficient way to address the problem so that neither agency is tasked with burdensome extra paperwork.

I mentioned this problem to Aaron Birst who helped with the resolution.

I ask for favorable consideration of HCR 3019. Thank you.