

FISCAL NOTE
Requested by Legislative Council
01/09/2015

Revised
 Bill/Resolution No.: SB 2157

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

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

The bill requires issuance of a temporary restricted license to a driver currently suspended or revoked in a different jurisdiction.

- 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.*

There would be no significant fiscal impact from this legislation.

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.*

- 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.*

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

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Date Prepared: 01/15/2015

2015 SENATE TRANSPORTATION

SB 2157

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2157

1/22/15

Recording job number 22354

Subcommittee

Conference Committee

Committee Clerk Signature

Doris E Perez

Explanation or reason for introduction of bill/resolution:

To create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to the restoration of a driver's license.

Minutes:

Attachments: 2

Chairman Oehlke opened the hearing on SB 2157, Senators Campbell and Rust momentarily absent.

Senator Dwight Cook, District 34, Mandan, submitted this bill at the request of a constituent, read letter from Kent Hildebrand, attachment # 1. His driver's license was indefinitely suspended in Florida, after 10 years he could apply for a work permit but has to reside in Florida during that time. The state of ND will not issue him a driver's license, his wife has to drive him everywhere. He requests a work permit that would allow him to drive for work purposes. Each state has different thresholds, we could put in here that if he resided for at least 5yrs or some limit. We don't want ND to become the "go to" state if they lose their licenses in other states. (0:38-7:54)

Glen Jackson, Director of the Driver's License Division, North Dakota Department of Transportation (DOT) in **opposition**, attachment # 2 It is clearly established that driving problems incurred in other jurisdictions be fixed in the jurisdiction where the violation occurred before we issue a ND Driver's License. We may risk having ND licenses invalidated by other jurisdictions; we could become a clearing house for people with bad driving records to come to ND and establish residency just to get a driver's license. Our commercial driving program could be decertified by the Federal Motor Carrier Safety Administration. If we issue temporary restricted licenses (TRL), individuals suspended in multiple states could place an unnecessary risks and create liability concerns for ND. This bill would override The Driver's License Compact we have with other states. (10:30-36:09)

Senators Campbell, Rust, Sinner, Axness, Vice Chairman Casper and Chairman Oehlke expressed sympathy for the constituents problem and concern about the fact that the letter does not mention participation in any kind of program. What if a work license is issued and he gets involved in another accident?

Senator Sinner moved Do Not Pass. Senator Axness seconded the motion

Roll call vote was taken: Yes 6 No 0 Absent 0

Carrier Chairman Oehlke

REPORT OF STANDING COMMITTEE

SB 2157: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

SB 2157

Senator Dwight Cook,

My name is Kent Hildebrand. I am writing to you in regards to the status of my driver's license. I lost my privilege to retain a driver's license, while living in Florida, due to acquiring four DUIs. In the State of Florida, you receive an indefinite suspension of your driver's license on your fourth. I did learn after leaving Florida, that after ten years I could apply for a work permit, but I had to be a resident of Florida.

I was raised in Dickinson, North Dakota and graduated from high school in 1983. The job market was not very good in Dickinson back then, so I accepted a job offer from a former employer I had worked for in Dickinson. He offered me a management position in a new restaurant they were opening in Tallahassee, Florida. I moved to Florida in the spring of 1985. Unfortunately, I did not enjoy working in the fast food industry and left the company after 6 months. I also received my first DUI in June of 1985. Too proud or stubborn to come home to family and friends, I found another job in the RV Industry. I decided to go to college in 1988 and enrolled at Tallahassee Community College. I received my second DUI in the spring of 1989. I continued to go to college while working full time as the service manager for a RV dealership. I received my third DUI in the summer of 1991. I received my Associates of Arts Degree from Tallahassee Community College, with a 3.80 GPA in 1992. I was also promoted to Facility Manager at the RV Dealership, where I was responsible for the service, warranty, & parts departments. I began attending Florida State University in the fall of 1992. I received my fourth DUI in the fall of 2000. The RV dealership I worked for sold out to a national company called Camping World in 2002. I was offered the position of General Manager and accepted. I informed the company of my driver's license situation when I interviewed for the job. Fortunately for me, they waived that requirement for the position, and hired me. I worked at the Tallahassee location until August of 2009 when I accepted the same position at the Madison, Wisconsin location. It was at this time when my father put his business up for sale, Burning Desires, in Mandan, North Dakota. Burning Desires sells and installs fireplaces, stoves, firepits, & grills. We also do any related work to the install such as mantels, tile, stone, framing, etc. In the summer of 2012, my father had still not been able to sell his business and was itching for retirement. I was getting burned out in the RV industry, so I offered to move to Bismarck/Mandan and buy his business from him. My father and I talked in great length if he thought it was possible for me to run a business like his without me having a driver's license. It was with concern, but we both agreed it was possible. I moved to Bismarck/Mandan in December of 2012.

The business is doing well, but there have been many challenges. Staffing is the biggest challenge we have. I can't imagine what it would be like to have a driver's license, even if it was just a work permit. The burden it would take off my wife would be huge. Almost 100% of our work is at people's homes.

A work permit would allow me to:

- 1) Get to and from work without dependence on others.
- 2) Be able to do estimates at customers' homes.
- 3) Be able to do service calls.
- 4) Run operational errands needed for the business.

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- 5) Save the business expenses due to me being able to do certain tasks alone without needing a driver.

I appreciate your time on this matter. Any help I can get on this matter would be life changing for me. Thank you very much for your time.

Sincerely,

Kent Hildebrand

WT #2

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SENATE TRANSPORTATION COMMITTEE
January 22, 2015; 9:00 AM, Lewis & Clark Room

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division

SB 2157

Good Morning Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

SB2157 is designed to help provide relief to the behavior of drivers operating a vehicle in a different jurisdiction, whether possessing a North Dakota license or not, and whether a North Dakota resident or not.

The State of North Dakota entered into the Driver's License Compact in 1986. At that time we updated our statutes to reflect the changes we agreed to. These changes clearly establish that an individual must have driving problems incurred in other jurisdictions fixed in the jurisdiction where the violation occurred, before we issue a North Dakota Driver's License. Simultaneously, other jurisdictions apply the same standard. This prevents an individual from jurisdiction hopping, while demonstrating poor driver responsibility, especially relating to serious traffic violations.

Should we pursue a policy wherein a resident or non-resident of North Dakota could have their driver's license suspended, revoked or cancelled in another jurisdiction and gain licensure here, we may risk having North Dakota licenses invalidated by other jurisdictions, which could potentially jeopardize North Dakotans traveling around the country. In addition, we could become a clearing house for those with bad driving records to come to North Dakota and establish residency just to get a valid driver's license. Lastly, it is possible by allowing this practice our commercial driving program could be decertified by the Federal Motor Carrier Safety Administration, seriously and negatively impacting the commercial driving sector.

If an individual violates the driving laws in the state their license was issued and their driving privileges are revoked, they should not be allowed to move to North Dakota and get a valid North Dakota driver's license without resolving their driving privileges in the state of issuance. Once these issues are resolved and their driving privileges are reinstated, the individual would be eligible to transfer their driving privileges to North Dakota.

We expect a driver to meet all of our requirements for reinstatement. We issue a temporary restricted license (TRL) to an individual who is demonstrating good driver behavior while working through the requirements to achieve full licensure. Why would we want to issue a TRL for someone who has not met the reinstatement requirements from another state?

In addition, individuals may be suspended in multiple states. Is this individual therefore going to have a temporary restricted license for as long as they do not clear up their out of state issues? How will it be determined the individual has resided in North Dakota for five years? What proof is acceptable? Must it be continuous residence?

Lastly, most licenses that are revoked indefinitely or where the driver is declared inimical to highway safety, usually fall into the category of multiple DUI violations, vehicular manslaughter, negligent homicide with a motor vehicle, etc. The department does not support licensing an individual whose privileges are permanently revoked by another jurisdiction due to these types of violations. This would potentially place an unnecessary risk on the highway and create liability concerns for the state.

Finally, the bill states the director may place restrictions or conditions on the license, "...to ensure the safe operation of a motor vehicle by that individual." There is no guarantee of driver safety. However, a driver who demonstrated such poor behavior so as to receive a lifetime ban on driving in a state should be expected to either establish driving privileges with that state, or not be allowed on the highway.

Because the bill seeks to override agreements the state has entered into with other states and the additional concerns listed above, the department opposes the bill.

Thank you Mr. Chairman, I would be happy to answer any questions.