

**2021 HOUSE JUDICIARY**

**HB 1176**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Judiciary**  
Room JW327B, State Capitol

HB 1176  
1/25/2021

Relating to cancellation of a minor's driver's license.

**Chairman Klemin** called the hearing to order at 3:07 PM.

<b>Representatives</b>	<b>Attendance</b>
Representative Lawrence R. Klemin	P
Representative Karen Karls	P
Representative Rick Becker	P
Representative Ruth Buffalo	A
Representative Cole Christensen	P
Representative Claire Cory	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Jeffery J. Magrum	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Shannon Roers Jones	P
Representative Bernie Satrom	P
Representative Steve Vetter	P

**Discussion Topics:**

- Giving juvenile court the ability to cancel a minor's driver's license

**Rep. Roers Jones:** Introduced the bill. Testimony #3369  
3:07

**Rep. Ista:** Testimony # 2359 3:15

**Mark Freise, Attorney in Fargo:** Testimony #2330 3:20

**Chairman Klemin** closed the hearing at 3:27PM.

DeLores D. Shimek

Committee Clerk

By Anna Fiest

House Judiciary Committee  
Chairman Larry Klemin  
Monday, January 25, 2021 @ 3:00

### HB 1176 — Cancellation of a Minor’s Driver’s License:

Current North Dakota law requires the Director of the Department of Transportation to cancel the operator’s license of a minor who accumulates more than five demerit points, or for a minor who commits any alcohol or drug-related offense while operating a vehicle. This bill keeps the requirement for point cancellation, but gives the juvenile court the authority to determine whether an alcohol or drug-related offense warrants cancellation. The bill does not change the Director’s obligation to suspend or revoke driving privileges for a minor accused of impaired driving.

#### NOT EVERY OFFENSE IS THE SAME

Currently, every drug and alcohol offense is treated the same, irrespective of circumstances or severity. No one disagrees that a license should be cancelled in circumstances where the offense involved alcohol or drugs and created risk to others. But not every alcohol or drug related offense meets this standard. For example:

- Unlawful possession of alcohol by a person under 21 years of age may be proven by actual or constructive possession. Mary, a 17-year old, is called by friends to give them a ride. After picking them up, Mary learns the friends have been drinking, and brought a backpack full of beer. Police stop Mary for a traffic violation, investigate, and learn all in the car are under 21. All occupants are cited for possessing the alcohol, even though several, including Mary, did not drink. After admitting her violation in juvenile court, authorities report the incident, and the Director cancels Mary’s driver’s license.
- Under North Dakota law, the term “offense” includes traffic violations. Seventeen year old Luke agrees to drive his uncle home after a family gathering. The uncle brings an open beer for the trip, over Luke’s objection. Under N.D.C.C. § 39-08-18, a driver may be cited for an open alcohol receptacle in the vehicle, even if possessed by others. Following a traffic stop, Luke’s citation and payment of his fine, the Director is required to cancel Luke’s driving privileges.

The examples are endless. Current law casts a net far too wide, resulting in cancellation of licenses for minors whose conduct is wrongful who did not create a risk as by driving. This bill permits cancellation in appropriate cases—those in involving alcohol or drugs and creating risk to others.

#### JUVENILE AUTHORITIES ARE BETTER SUITED TO MAKE THE DETERMINATION

Our state’s juvenile authorities are particularly well suited to address these cases. Through a comprehensive Uniform Juvenile Court Act, N.D.C.C. Ch. 27-20, and decades of development of evidence-based interventions, juvenile court officers have mastered the balance of

rehabilitation, accountability, and deterrence. These court officers make individualized determinations based on the circumstances of the case, the offender's background, and the severity of the offense. These officials, not the Director, should determine when cancellation is appropriate for drug or alcohol offenses.

Responsible parents regularly remove driving privileges when their children engage in misconduct. "Taking away the keys" is punishment for parents to implement. This bill provides a supervising juvenile court officer, latitude to withhold cancellation when parents have implemented proper restrictions, or to require cancellation when irresponsible parents have not implemented controls.

Routine cancellation without case-specific consideration adversely impacts juvenile justice. Court officers may direct counseling, treatment, or testing for alcohol or drug use. These rehabilitative efforts require travel, reporting, and monitoring. A juvenile offender with single or working parents may be unable to complete the requirements. This bill permits juvenile authorities to impose limitations, but permit driving for rehabilitative purposes.

#### AVOIDS PUNISHING PARENTS

Practically, license cancellation punishes the parents, not the juvenile. North Dakota has a long history of permitting our youth to earn driving privileges at a young age. This is borne out of trust, and necessity. At fourteen, I regularly drove my brother and sister to school and hockey, while my parents worked.

Cancellation of driving privileges is cancellation of opportunity. While youth in larger cities may benefit from ride sharing and city transportation services, youth in rural North Dakota do not. Parents of youth with cancelled licenses must forgo work or caring for other children to ensure their children are able to attend school, church, extracurricular events, and meetings with court officers.

Practically, cancellation punishes parents. This bill permits parents to control restriction of driving privileges, alone or in conjunction with juvenile court officers.

#### CONCLUSION

This bill is based on principles employed successfully in juvenile justice. Serious drug and alcohol offenses presenting risk result in cancellation only if the juvenile is unwilling or unable to conform his behavior through lesser restraints imposed and monitored by court officers.

Except for point accumulation, this bill places cancellation determinations in the hands of parents and juvenile court officers. The bill does not limit the Director's administrative obligation to suspend or revoke driving privileges of juveniles who commit impaired driving offenses.

This bill takes a balanced approach, requiring the Director to cancel a minor's driver's license upon accumulation of more than five points, but reserving cancellation for alcohol and drug offenses to instances in which juvenile court authorities deem it proper. I ask the Committee to forward HB1176 to the floor with a unanimous DO PASS recommendation, and I will be happy to answer an questions.



# NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Zachary Ista

District 43  
3850 15th Avenue South  
Grand Forks, ND 58201-3727  
C: 701-361-6671  
zmista@nd.gov

**COMMITTEES:**  
Finance and Taxation  
Energy and Natural Resources

January 25, 2021

Chairman Klemin and Members of the Judiciary Committee:

I write in **support** of HB 1176, which empowers juvenile authorities to cancel a minor's driver's license in appropriate circumstances but does not require such cancellation without regard to the underlying facts of any given offense. I urge the Committee to recommend a **DO PASS** on this bill.

I will keep my testimony brief. I encourage the Committee to give substantial weight to the testimony of attorney Mark Friese, which eloquently sets forth the myriad policy reasons why passage of this bill makes good sense. But I want to separately address a circumstance I encounter in my career as a prosecutor assigned to the juvenile court docket.

Under current law, juvenile court personnel have no discretion at all with regards to license cancellation when a juvenile is cited for an alcohol or drug offense that occurred within a vehicle. The same juvenile justice system also rightly encourages resolution of offenses without involving district courts and judges by allowing informal adjudication for many offenses. However, if a juvenile admits to the drug or alcohol offense at this informal adjudication phase, the juvenile court director (via the DOT) must cancel the juvenile's license if the offense occurred in the vehicle. The juvenile also would likely participate in some other sort of rehabilitative programming like online education courses or informal probation.

Sometimes, though, the juvenile declines to admit to the violation at the informal adjudication stage. If so, the juvenile court will ask the state's attorney to consider a formal juvenile petition be filed in the district court. Once that happens, a juvenile may choose to retain counsel (or qualify for a court-appointed counsel). On more than one occasion, such counsel has advised me (in my role as assistant state's attorney) that their client does not dispute the allegation but cannot admit to it due to the extreme consequence of license cancellation. Since I am likely asking the district court only to order treatment and rehabilitation in the form of a few months of probation upon a finding of delinquency, I generally agree to amend the petition to remove any allegation involving a vehicle. Frankly, inviting protracted litigation on a comparatively minor charge is neither an efficient nor prudent use of prosecutorial or law enforcement resources, particularly for first-time juvenile offenders. Thus, the juvenile ends up admitting to the amended allegation, is placed on probation, and does not face license cancellation.

This creates an unfair result as compared to the juvenile who admitted the allegation at the informal setting. By "lawyering up" and delaying accountability, one juvenile got a benefit not available to another who more quickly accepted responsibility. I don't believe we should continue a system that encourages such a result. Under HB 1176, juvenile courts would still retain the necessary ability to cancel licenses in appropriate circumstances but not be forced to do so when the facts do not support such a remedy. For these reasons, Mr. Chairman and members of the Committee, I urge you to **support** HB 1176 with a **DO PASS** recommendation.

January 23, 2021

The Honorable Lawrence R. Klemin  
Chair, ND House Judiciary Committee  
600 East Boulevard Avenue  
Bismarck, ND 58505

**Submitted electronically only:**

**Re: Testimony in Support of HB 1176**

Dear Chairman Klemin, members of the House Judiciary Committee, and HB 1176 Sponsors,

I write individually in support of HB1123. I am an attorney in private practice in Fargo. I am a lifelong North Dakota resident, currently residing in Legislative District 45. For the past 20 years, my primary practice has been criminal defense, including juvenile cases. I retired from the North Dakota Army National Guard after serving twenty four years, the last eight of which were with the Judge Advocate General Corps. Prior to law school, I served as a Bismarck Police officer for more than five years. I have had the previous privilege of working with the Chairman and members of the Assembly as a citizen member of the Interim Commission on Alternatives to Incarceration.

Current North Dakota law requires the Director of the Department of Transportation (Director) to cancel the operator's license of a minor who accumulates more than five demerit points, or for a minor who commits any alcohol or drug-related offense while operating a vehicle. This bill maintains the requirement for point cancellation, but vests juvenile court authorities with the determination of whether an alcohol or drug-related offense should require cancellation. The bill preserves the Director's obligation to suspend or revoke driving privileges for a minor accused of impaired driving under N.D.C.C. Ch. 39-20.

**NOT EVERY OFFENSE IS THE SAME**

Currently, every drug and alcohol offense is treated the same, irrespective of circumstances or severity. No one questions a license cancellation in circumstances in which the offense involved alcohol or drugs and created risk to others. But the same is not true with innocuous offenses. Examples:

- Unlawful possession of alcohol by a person under 21 years of age may be proven by actual or constructive possession. Mary, a 17-year old, is called by friends and agrees to give them a ride. After picking them up, Mary learns the friends have been drinking, and brought a backpack full of beer. Police stop Mary for a minor violation, investigate, and learn all in the car are under 21. All occupants are cited for possessing the alcohol, even though several, including Mary, did not drink. After admitting her violation in juvenile court, authorities report the incident, and the Director cancels Mary's driver's license.

- Under North Dakota law, the term “offense” includes traffic violations. Seventeen year old Luke agrees to drive his uncle home after a family gathering. The uncle brings an open beer for the trip, over Luke’s objection. Under N.D.C.C. § 39-08-18, a driver may be cited for an open alcohol receptacle in the vehicle, even if possessed by others. Following a traffic stop, Luke’s citation and payment of his fine, the Director is required to cancel Luke’s driving privileges.
- Seventeen year old Tyler experimented with marijuana at age 15, but has not smoked or used marijuana for more than two years. Buried in his car under books, athletic gear, and fast food wrappers are two-year old rolling papers. Following a consent search police find the papers, and cite Tyler into juvenile court for possessing drug paraphernalia. Tyler admits the offense, explaining the circumstances. The juvenile court thereafter is required to report the offense, and the Director is required to cancel Tyler’s license.

Similar examples are endless. Current law casts a net far too wide, resulting in cancellation of licenses for minors whose conduct is wrongful but innocuous. This bill permits cancellation in appropriate cases—those in involving alcohol or drugs and creating risk to others.

### **JUVENILE AUTHORITIES ARE BETTER SUITED TO MAKE THE DETERMINATION**

As a twenty-year lawyer, from direct experience, I am profoundly impressed with our state’s juvenile authorities. Through a comprehensive Uniform Juvenile Court Act, N.D.C.C. Ch. 27-20, and decades of development of evidence-based interventions, juvenile court officers have mastered the balance of rehabilitation, accountability, and deterrence. These dedicated authorities make individualized determinations based on the circumstances of the case, the offender’s background, and the severity of the offense. These officials, not the Director, should determine when cancellation is appropriate for drug or alcohol offenses.

Responsible parents regularly remove driving privileges when their children engage in misconduct. “Taking away the keys” is punishment for parents to implement. This bill provides a supervising juvenile court officer, latitude to withhold cancellation when parents have implemented proper restrictions, or to require cancellation when irresponsible parents have not implemented controls.

Routine cancellation without case-specific consideration adversely impacts juvenile justice. Court officers may direct counseling, treatment, or testing for alcohol or drug use. These rehabilitative efforts require travel, reporting, and monitoring. A juvenile offender with single or working parents—with busy lives—may be unable to complete the requirements without transportation. This bill permits juvenile authorities to impose limitations, but permit driving for rehabilitative and purposes.

### **AVOIDS PUNISHING PARENTS**

Practically, license cancellation punishes the parents, not the juvenile. North Dakota has a long history of permitting our youth to earn driving privileges at a young age. This is borne out of trust, and necessity. At fourteen, my older brother regularly drove me and my younger sister to school and school events, while both of my parents worked. At fourteen, I had a driver’s license, and in addition

The Honorable Lawrence Klemin

January 23, 2021

Page 3

to cars and implements, I regularly drove grain trucks from my uncle's Cole harbor farm to Garrison, Max, Underwood, and Minot.

Cancellation of driving privileges is cancellation of opportunity. While youth in larger cities benefit from ride sharing and city transportation services, youth in rural North Dakota do not. Parents of youth with cancelled licenses must forgo work or caring for other children to ensure their children are able to attend school, church, extracurricular events, and meetings with court officers.

Practically, cancellation punishes parents. This bill permits parents to control restriction of driving privileges, alone or in conjunction with juvenile court officers. This bill dispels the misplaced notion that the Director is better-suited to parent.

### **CONCLUSION**

This bill is based on principles employed successfully in juvenile justice. Serious drug and alcohol offenses presenting risk result in cancellation only if the juvenile is unwilling or unable to conform his behavior through lesser restraints imposed and monitored by court officers.

Except for point accumulation, this bill places cancellation determinations in the hands of parents and juvenile court officers. The bill does not limit the Director's administrative obligation to suspend or revoke driving privileges of juveniles who commit impaired driving offenses. *See* N.D.C.C. § 39-20-03.1(2) (requiring the Director to suspend the driving privileges of a minor who drives with an alcohol concentration of .02 or greater); *see also* N.D.C.C. § 39-20-04 and 39-20-14 (requiring the Director to revoke driving privileges of juvenile drivers who refuse chemical or preliminary breath tests).

This bill presents a balanced approach, requiring the Director to cancel a minor's driver's license upon accumulation of more than five points, but reserving cancellation for alcohol and drug offenses to instances in which juvenile court authorities deem it proper. I urge adoption of HB1176.

Respectfully submitted,

*/s/ Mark A. Friese*

Mark A. Friese

Cc: Sen. Ronald Sorvaag, [rsorvaag@nd.gov](mailto:rsorvaag@nd.gov)  
Rep. Mary Johnson, [marycjohnson@nd.gov](mailto:marycjohnson@nd.gov)  
Rep. Tom Kading, [tkading@nd.gov](mailto:tkading@nd.gov)

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Judiciary

Room JW327B, State Capitol

HB 1176

2/2/2021

Relating to cancellation of a minor's driver's license.

**Chairman Klemin** called the hearing to order at 3:52 PM.

<b>Representatives</b>	<b>Attendance</b>
Representative Lawrence R. Klemin	P
Representative Karen Karls	A
Representative Rick Becker	P
Representative Ruth Buffalo	P
Representative Cole Christensen	P
Representative Claire Cory	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Jeffery J. Magrum	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Shannon Roers Jones	P
Representative Bernie Satrom	P
Representative Steve Vetter	P

### Discussion Topics:

- Committee action on the bill

**Rep. Becker** motioned for a do pass 3:55

**Rep. Paulson** seconded the motion 3:55

<b>Representatives</b>	<b>Vote</b>
Chairman Klemin	Y
Vice Chairman Karls	A
Rep Becker	Y
Rep. Christensen	Y
Rep. Cory	Y
Rep T. Jones	Y
Rep Magrum	Y
Rep Paulson	Y

Rep Paur	Y
Rep Roers Jones	Y
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	Y
Rep K. Hanson	Y

**Motion carried 13-0-1**

**Rep. Hanson** – floor assignment

**Chairman Klemin** closed hearing at 3:57PM

DeLores D. Shimek

Committee Clerk

By Anna Fiest

**REPORT OF STANDING COMMITTEE**

**HB 1176: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1176 was placed on the Eleventh order on the calendar.

**2021 SENATE TRANSPORTATION**

**HB 1176**

# 2021 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1176  
3/4/2021

A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to cancellation of a minor's driver's license.
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**Chair Clemens** calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:02]

**Discussion Topics:**

- Alcohol in vehicles of young people
- Flexibility for judges
- Impact on parents
- Juvenile alcohol offenses

**Representative Roers Jones [9:02]** mistakenly presents HB 1124.

**Representative Roers Jones [9:05]** presents HB 1176 and testifies orally in favor.

**Additional written testimony:**

**Mark A. Friese**, of Argusville, submits testimony #7303 in favor.

**Chair Clemens** adjourns the public hearing. [9:19]

**Chair Clemens** opens committee work on HB 1176. [10:21]

**Chair Clemens** calls **Brad Schaffer** to the podium to answer questions from the committee. [10:21]

**Chair Clemens** adjourns the meeting. [10:26]

*Sheldon Wolf, Committee Clerk*

March 3, 2021

The Honorable David Clemens  
Chair, ND Senate Transportation Committee  
600 East Boulevard Avenue  
Bismarck, ND 58505

**Submitted electronically only:**

**Re: Testimony in Support of HB 1176**

Dear Senator Clemens and members of the Senate Transportation Committee:

I write individually in support of HB1176. I previously submitted a nearly identical supportive letter to the House Judiciary Committee. I understand this bill unanimously passed the House on a vote of 94 to 0. I urge this Committee to unanimously recommend passage as well.

I am an attorney in private practice in Fargo. I am a lifelong North Dakota resident, currently residing in Legislative District 45. For the past 20 years, my primary practice has been criminal defense, including juvenile cases. I retired from the North Dakota Army National Guard after serving twenty four years, the last eight of which were with the Judge Advocate General Corps. Prior to law school, I served as a Bismarck Police officer for more than five years. I have had the privilege of working with members of the Assembly as a citizen member of the Interim Commission on Alternatives to Incarceration.

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learn all in the car are under 21. All occupants are cited for possessing the alcohol, even though several, including Mary, did not drink. After admitting her violation in juvenile court, authorities report the incident, and the Director cancels Mary's driver's license.

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Except for point accumulation, this bill places cancellation determinations in the hands of parents and juvenile court officers. The bill does not limit the Director's administrative obligation to suspend or revoke driving privileges of juveniles who commit impaired driving offenses. *See* N.D.C.C. § 39-20-03.1(2) (requiring the Director to suspend the driving privileges of a minor who drives with an alcohol concentration of .02 or greater); *see also* N.D.C.C. § 39-20-04 and 39-20-14 (requiring the Director to revoke driving privileges of juvenile drivers who refuse chemical or preliminary breath tests).

This bill presents a balanced approach, requiring the Director to cancel a minor's driver's license upon accumulation of more than five points, but reserving cancellation for alcohol and drug offenses to instances in which juvenile court authorities deem it proper. I urge adoption of HB1176.

Respectfully submitted,

*/s/ Mark A. Friese*

Mark A. Friese

Cc: Sen. Ronald Sorvaag, [rsorvaag@nd.gov](mailto:rsorvaag@nd.gov)

# 2021 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1176  
3/11/2021

A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to cancellation of a minor's driver's license.
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**Chair Clemens** calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [2:30]

**Discussion Topics:**

- Blood alcohol content in driving minors
- Minor's driver's license cancellation

**Senator D. Larsen [2:47]** motions DO PASS.

**Senator Bakke [2:48]** seconds.

<b>Senators</b>	<b>Vote</b>
Senator David Clemens	Y
Senator Robert Fors	N
Senator Cole Conley	N
Senator Michael Dwyer	N
Senator Doug Larsen	Y
Senator JoNell Bakke	N

Motion fails 2-4-0. [2:49]

**Senator Dwyer [2:52]** announces that he will bring an amendment before the committee tomorrow.

**Chair Clemens** adjourns the meeting. [2:57]

*Sheldon Wolf, Committee Clerk*

# 2021 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1176  
3/12/2021

A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to cancellation of a minor's driver's license.
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**Chair Clemens** calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [10:30]

**Discussion Topics:**

- Blood alcohol content in driving minors
- Minor's driver's license cancellation
- Guilt by association

**Senator Dwyer [10:30]** presents an amendment as testimony #8983 [LC 21.0414.01001]

**Senator Dwyer [10:57]** motions DO PASS.

**Senator D. Larsen [10:57]** seconds.

<b>Senators</b>	<b>Vote</b>
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [10:57]

**Senator D. Larsen** will carry.

**Chair Clemens** adjourns the meeting. [10:57]

*Sheldon Wolf, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1176: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1176 was placed on the Fourteenth order on the calendar.

Sixty-seventh  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1176

Introduced by

Representatives Roers Jones, Becker, Heinert, Ista, Jones, Klemin, Mock

Senators Bakke, Bekkedahl, Davison

1 A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code,  
2 relating to cancellation of a minor's driver's license.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 39-06-01.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-06-01.1. Special provisions for minor operators.**

7 1. The director shall cancel the operator's license of an individual who has committed  
8 acts resulting in an accumulated point total in excess of five points as provided for a  
9 violation under section 39-06.1-10 or has committed an alcohol-related offense or a  
10 drug-related offense while operating a motor vehicle, if a violation under section  
11 39-08-01 or 39-20-03.1, and:

- 12 a. The acts or offenses were committed while the individual was a minor; and
- 13 b. The individual admitted the violation, was found to have committed the violation
- 14 by the official having jurisdiction, or pled guilty to, was found guilty of, or
- 15 adjudicated to have committed the offense.

16 2. The director shall cancel the operator's license of an individual who has committed an  
17 alcohol-related offense or a drug-related offense other than a violation under section  
18 39-08-01 or 39-20-03.1 while operating a motor vehicle if:

- 19 a. The offense was committed while the individual was a minor;
- 20 b. The individual was found to have committed the offense by the official having
- 21 jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have
- 22 committed the offense;
- 23 c. The offense created an imminent risk of injury to another individual;

- 1           d. A lesser penalty would be ineffective to prevent future risk to another individual;  
2           and  
3           e. The official having jurisdiction orders the director to cancel the operator's license.  
4       3. If an individual has had that individual's license to operate a motor vehicle canceled  
5       under subsection 1 or 2, the director shall deem that individual to have never have had  
6       any license to operate a motor vehicle and may not issue any license to operate a  
7       motor vehicle other than an instruction permit or a restricted instruction permit after the  
8       completion of any period of suspension or revocation. After the issuance of an  
9       instruction permit or restricted instruction permit, the director may not issue any other  
10       operator's license to that individual until that individual:  
11       a. Meets the requirements of section 39-06-17. The driver education requirement  
12       may be met through either an internet course or successfully completing a course  
13       at an approved commercial driver training school meeting the requirements of  
14       chapter 39-25; and  
15       b. Satisfies all other requirements that apply to that individual for that operator's  
16       license.

March 11, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1176

Page 1, line 9, remove the overstrike over "~~or has committed~~"

Page 1, line 10, overstrike "if" and insert immediately thereafter "a violation under section 39-08-01 or 39-20-03.1, and"

Page 1, line 16, after the second "offense" insert "other than a violation under section 39-08-01 or 39-20-03.1"

Renumber accordingly