

HOUSE BILL NO. 1389

Introduced by

Representatives Clark, Pollert

1 A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code,
2 relating to release of motor vehicle operator records; to provide for retroactive application; and
3 to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 39-16-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **39-16-03. ~~Abstract~~ Driving records - Not admissible in evidence - Fee.** The
8 director upon request shall furnish any person an abstract of any operating record, a certified
9 abstract of the operating record, or record of clearance of any person subject to the provisions
10 of this chapter ~~which~~. A certified abstract is an abstract that must include the convictions,
11 adjudications, and admissions of commission of traffic offenses of any driver and suspensions,
12 revocations, and restrictions of a person's driving privileges. For purposes of this chapter, an
13 abstract is a summary or partial reproduction of the operating record or source document for the
14 operating record. For purposes of this chapter, a record of clearance is a statement by the
15 department that a person's privileges to drive a motor vehicle within the state are not
16 suspended, revoked, or canceled.

17 Upon request, the director shall furnish a complete operating record to the person who
18 is the subject of the record, that person's duly authorized agent, law enforcement officer, or a
19 judicial officer. For purposes of this chapter, the complete operating record is a complete copy
20 of the portions of the operating record which are stored electronically or of the paper documents
21 in the driver's operating record.

22 Any person, except law enforcement or judicial officers functioning in their official
23 capacity, requesting ~~the~~ a certified abstract, abstract, record of clearance, or complete

1 operating record shall indicate in writing the reason for the request and shall identify the person
2 or firm for whom or which the request is made and the intended recipient of the abstract.

3 Copies of abstracts, certified abstracts, records of clearance, or complete operating
4 records are not admissible as evidence in any civil or criminal trial arising out of a motor vehicle
5 accident.

6 A fee of three dollars must be paid for each abstract of a operating record, certified
7 abstract of an operating record, complete operating record, or record of clearance, except no
8 fee ~~will~~ may be assessed to law enforcement agencies or judicial officers. The director shall
9 send an additional copy of the ~~abstract~~ documents requested to the driver whose abstract was
10 requested, accompanied by a statement identifying the person making the request, identifying
11 the person or firm for whom or which the request is made, identifying the intended recipient of
12 the abstract, and providing the reason for the request. ~~No abstract~~ A copy of the documents
13 requested or statement may not be sent to a driver where the request for the ~~driver's abstract~~
14 driving record was made by the federal bureau of investigation or the United States central
15 intelligence agency, or their agents, or by any law enforcement agency or judicial officer of this
16 state, or of its political subdivisions.

17 **SECTION 2. RETROACTIVE APPLICATION OF ACT.** This Act is retroactive in
18 application.

19 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.