

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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.**

8 1. The director upon request shall furnish any person a certified abstract of the
9 operating record of any person, source document therefor, or record of clearance,
10 subject to the provisions of this chapter which title. The abstract must include the
11 convictions, adjudications, and admissions of commission of traffic offenses of any
12 driver and suspensions, revocations, and restrictions of a person's driving
13 privileges. Any person, except the subject of the record and law enforcement or
14 judicial officers functioning in their official capacity, requesting the abstract or
15 record of clearance shall indicate in writing the reason for the request and shall
16 identify the person or firm for whom or which the request is made and the intended
17 recipient of the abstract record.

18 Copies of abstracts are not admissible as evidence in any civil or criminal trial
19 arising out of a motor vehicle accident. Upon request and subject to the provisions
20 of this title, the director shall furnish an operating record or complete operating
21 record to the subject of the record or to law enforcement or judicial officers.

22 2. A fee of three dollars must be paid for each abstract of any operating record,
23 operating record, complete operating record, or record of clearance, and a
24 reasonable fee must be paid for each source document, except no fee will may be

1 assessed to law enforcement agencies or judicial officers. The director shall send
2 an additional copy of the abstract or record of clearance to the driver whose
3 ~~abstract record~~ record was requested, accompanied by a statement identifying the person
4 making the request, identifying the person or firm for whom or which the request is
5 made, identifying the intended recipient of the ~~abstract record~~, and providing the
6 reason for the request. No additional copy of the abstract or statement record of
7 clearance may be sent to a driver ~~where~~ if the request for the ~~driver's abstract~~
8 record was made by the federal bureau of investigation or the United States
9 central intelligence agency, or their agents, or by any law enforcement agency ~~of~~
10 ~~this state, or of its political subdivisions~~ or judicial officer.

11 3. A requester obtaining source documents in aggregate form from the department
12 shall send an additional copy of each source document to the subject of the
13 record, accompanied by a statement identifying the requester and the reason the
14 record was obtained. If the requester provides a source document, or any
15 information therein, to any other person or firm, the requester shall send to the
16 subject of the record a statement identifying the person or firm and the source
17 document and a copy of any compilation derived from source documents provided
18 to the person or firm. Any person or entity obtaining source documents in
19 aggregate form under this section shall comply with the confidentiality and
20 nondisclosure of information provisions of chapter 39-33 and sections 39-06-14,
21 39-06.1-10, and 39-16-03.1. A record compiled from source documents obtained
22 in aggregate form under this section is not admissible as evidence in any civil or
23 criminal trial arising out of a motor vehicle accident. A person violating this
24 subsection is guilty of a class A misdemeanor.

25 4. As used in this section, "reasonable fee" includes:
26 a. The actual cost of making or mailing a copy of the source document, or both,
27 including labor, materials, postage, and equipment; and
28 b. Notwithstanding subsection 2 of section 44-04-18, in response to a request
29 for source documents in aggregate form, the cost associated with locating,
30 reviewing, or providing access to the source document and any cost

1 associated with excising confidential or closed materials under section
2 44-04-18.8.

3 **SECTION 2. RETROACTIVE APPLICATION OF ACT.** This Act is retroactive in
4 application.

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