

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1389
(Representatives Clark, Pollert)

AN ACT to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to release of motor vehicle operator records; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-16-03. ~~Abstract~~ Driving records - Not admissible in evidence - Fee.

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

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

2. A fee of three dollars must be paid for each abstract of any operating record, operating record, complete operating record, or record of clearance, and a reasonable fee must be paid for each source document, except no fee ~~will~~ may be assessed to law enforcement agencies or judicial officers. The director shall send an additional copy of the abstract, source document if requested in aggregate form, or record of clearance to the driver whose ~~abstract record~~ was requested, accompanied by a statement identifying the person making the request, identifying the person or firm for whom or which the request is made, identifying the intended recipient of the ~~abstract record,~~ and providing the reason for the request. No additional copy of the abstract or ~~statement~~ record of clearance may be sent to a driver ~~where~~ if the request for the ~~driver's abstract~~ record was made by the federal bureau of investigation or the United States central intelligence agency, or their agents, or by any law enforcement agency ~~of this state, or of its political subdivisions~~ or judicial officer.
3. A requester may provide the department with a list of names of drivers and may request any source documents from the department relating to the listed drivers for a set time period. The department shall provide this information in hard copy or electronic format. If in order to provide the information by electronic format the department sets up a computer program, the department may charge a requester a reasonable charge for a setup fee. This charge may not exceed the actual cost to set up the computer program. A requester of source documents in aggregate form shall pay the director a reasonable fee for making and mailing to the driver whose record was requested an additional copy of the document as it relates to that driver.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1389 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 72 Nays 22 Absent 4

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 48 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State