

March 31, 2005

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

In lieu of the amendments adopted by the House as printed on page 1241 of the House Journal, Senate Bill No. 2254 is amended as follows:

Page 1, line 6, replace "The department shall expunge," with:

- "1. An individual whose driving privileges have not been previously suspended for an alcohol-related driving offense may petition the court for an order removing the suspension from the driving record that is accessible to the public under the following circumstances:
 - a. The individual does not have a previous alcohol-related conviction or license suspension in this or another state;
 - b. The individual served the duration of the individual's suspension time;
 - c. The individual was not convicted of an alcohol-related driving offense or of a violation of section 39-08-03 subsequent to a charge of an alcohol-related driving offense for the same act or occurrence; and
 - d. The individual did not refuse to submit to a chemical test or the individual did not have an alcohol concentration that exceeded twelve one-hundredths of one percent.
2. If the conditions of subsection 1 are met, the court shall issue an order directing the department to expunge the individual's driving record that is accessible to the public. This section does not apply to a suspension for an individual under twenty-one years of age with an alcohol concentration of at least two one-hundredths of one percent by weight."

Page 1, remove lines 7 through 11

Re-number accordingly