

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2436

2001 SENATE TRANSPORTATION

SB 2346

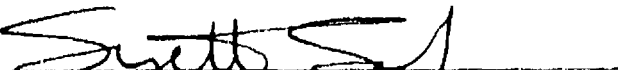
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2436

Senate Transportation Committee

Conference Committee

Hearing Date 2-8-01;2-9-01

Tape Number	Side A	Side B	Meter #
2	x		13.7-49.5
2-9-01	1	x	15.2-19.8
Committee Clerk Signature 			

Minutes: SB 2436 relates to operators' licenses for minors.

**Senator Kelsch:** ( District 26; Supports) The reason for this bill is to change the points from 5 to 7. We've seen a lot of instances where kids under 18 got 6 points accumulated immediately and lost their license. If someone is picked up for drugs or alcohol it's a different story. Mistakes are a learning process.

**Terry Wels:** (ND Association of Insurance and Financial Advisors; Supports) See attached testimony.

Senator Espgaard: I don't know that changing points will help insurance problems.

**Terry Wels:** I'm not opposed to the idea that the individual is rated, I'm opposed to cancellation of license. This is a technical problem. This won't make problem go away, but it will give a little leeway.

**Stephanie Wels:** (Bismarck High School Senior; Supports) See attached testimony.

**Pat Ward:** ( ND Domestic Insurance Companies; Lobbyist #281; Supports) Feels graduated license law is a good thing and that raising points is OK. States HCR 3005 passed through and addresses this, as well as HB 1428 which allows insurance companies to exclude the named driver.

**Kent Olson:** (Executive Director of ND Insurance Association; Opposes)

See handout. States that graduated license law was trying to stop minor injuries and deaths. HCR 3005 study would probably address lots of issues. The reason opposed to this is because it's a safety issue and not an insurance issue.

**Senator Trenbeath:** You keep talking about this as a suspension. It's not- it's a cancellation. I think this law is incomprehensible the way it treats our young people. I'm fully in favor of this bill as a start and only as a start. How come a minor is more dangerous than a 60 year old with a cell phone? Why do we treat violations differently for young drivers?

**Kent Olson:** This all is a safety issue and that is why we like HCR 3005 to look at all the points.

**Senator Espegard:** This is taking the young people and giving them a real bad start in driving career. Losing their license is too severe.

**Keith Magnusson:** (NDDOT; Neutral) Tells how graduated licenses came about. Says that basically this is a safety issue and trying to start bad habits before they start.

**Senator Stenchjem:** If you're in a 55 mph speed zone and go 16 mph over speed limit, you get 3 points. In 65 mph zone, 16 mph over the limit, you get 7 points. In town if you go 50 mph in a 25 zone, you only get 4 points. There is severe inequities in that. Would that be a hardship for your department to see how points were administered?

**Keith Magnusson:** It'd be easier to deal with point threshold.

**Senator O'Connell:** Are minors still losing licenses at about 100 per month?

Page 3  
Senate Transportation Committee  
Bill/Resolution Number SB 2436  
Hearing Date 2-8-01;2-9-01

**Keith Magnusson:** Correct. Minors make up 5% of drivers and 11% of fatalities.

**Senator Trenbeath:** Do these statistics take into account mileage driven and any other variables?

**Keith Magnusson:** No.

Hearing closed.

Committee reopened on SB 2436 on 2-9-01.

**Senator Trenbeath:** In my estimation this whole section needs to be looked at much more closely. This is a good start and only that. With having said that I move a Do Pass on SB 2436.

Senator Trenbeath moves to Do Pass. Seconded by Senator Espegard. Roll call taken. 6-0-0.

Floor Carrier is Senator O'Connell.

Date: 2-9  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2436

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Trenbeath Seconded By Espgaard

	Senators	Yes	No	Senators	Yes	No
1	Senator Stenejem, Chairman	X		Senator Bercier	6 X	<del>X</del>
2	Senator Trenbeath, Vice-Chair	X		Senator O'Connell	5 X	
4	Senator Espgaard	X				
3	Senator Mutch	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. O'Connell

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 9, 2001 3:23 p.m.

**Module No: SR-24-2925**  
**Carrier: O'Connell**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2436: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2436 was placed on the**  
**Eleventh order on the calendar.**

2001 HOUSE TRANSPORTATION

SB 2436



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2436

House Transportation Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
1	X		95
Committee Clerk Signature <i>Lauren B. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on SB 2436; A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to operator's licenses for minors.

Sen. Kelsh: I am Senator from the 26th District. The reason for 2436 is that last session we passed a graduated drivers license bill where if you got over 5 points against your drivers and you were under 18, you lost your license. This is not true of adults. I don't think the issue is flawed; I think it is punitive. Another thing is insurance is involved. Last session I believe, at least on the Senate side it was testified to that this would not happen. I now it is happening. All this bill does is to raise the points to 7. It is much more difficult for a young person to get 7 points than 6 unless there are drugs or alcohol involved; with just speeding violations it is more difficult to get a one revocation --- this for 1 violation.

Rep. Weisz - Chairman ( 251 ) Are you aware how fast you need to go to loose you license.

Sen Kelsh: I don't know how that works in detail but on there interstate you can be going less miles per hour that you do on state highways or by a school.

Rep. Grumbo: ( 323 ) Are there any numbers out there of that fell into that category of losing there licenses?

Sen. Kelsh: I had the numbers at one time but I can't remember them. I believe it was up around 1600 -- a sizable number any way. Senator gave an example of a young lady who was living with her father -- a single parent -- he was working and she needed to drive to get to her high school classes -- a hardship case.

Rep. Mahoney: ( 474 ) The one offense is either going to be serious careless driving or -- your are talking about the 6 points -- if it is speed your are talking about 26 to 36 mile per hour over the speed limit -- If you have a 14 year old or a 16 year old going down the highway -- on the Interstate-- that would be 96 miles per hour -- wouldn't you be concerned about that kid?

Sen. Kelsh: I agree that if they are going -- I agree that they certainly need to be aware of the law. There are other circumstances such as you don't have your seat belt on -- the adds points -- you wouldn't need to be going near that fast to loose your license.

Rep. Mahoney: ( 627 ) Seat belts are 4 points and even 4 point speeding violations don't get you there --- what we are trying to do is save lives and protect other drivers. In lesser violations you need to accumulate several violations and that is a disregard of the law.

Sen Kelsh: I know you have to be concerned but I still think this is punitive. Families have been put into financial difficulties.

Rep. Mahoney: ( 756 ) It is the intent of the law to teach young people respect for the law so that down the line they will be better drivers.

Sen. Kelsh: I think that 7 points has the same effect as 6 points.

Sen. O'Connell: I am in support of this bill because under present conditions there are 100 youths losing their licenses each month. With the Senate amendment you can't lose.

Sen. Kelsh: I want to reiterate that it is currently punitive against the parents more so than the youth.

Rep. Kelsch: ( 1129 ) We worked hard the previous interim and I think we came up with a good law. I hate to see it relaxed now when it is just becoming understood. I know from experience it works with my kids. When I look at the seriousness of the infractions which causes them to lose their licenses it just doesn't make sense to ignore that.

Rep. Mahoney: ( 1431 ) There are 100 per month losing their licenses, how many of those are alcohol related?

Sen. Kesh: Even if it is alcohol or drug related I have no sympathy for them then.

Rep. Weisz - Chairman ( 1519 ) somebody who has been driving 20 years is likely to be a lot more safer driver than an 18 year or younger driver. These drivers are still learning.

Sen. Kelsh: You can also find statistics that they are safer drivers because they don't have all the cares of the world on their shoulders -- talking on the telephone, running stop signs. ---

Terry Weiss: I am here representing the North Dakota Association on Insurance and Financial Advisors. I am also a former insurance underwriter. A copy of his written testimony is attached.

Rep. Mahoney: ( 2435 ) Doesn't it concern you that your daughter was driving 88 mph in a 70?

Terry Weiss: Yes and the first thing we did was make sure that the fines and other expenses came out of her bank and savings account. We came down on her very hard.

Rep. Schmidt: ( 2623 ) What are the other states like Minnesota doing in this area?

Page 4

House Transportation Committee

Bill/Resolution Number HB 2436

Hearing Date March 15, 2001

Terry Weiss: I don't pretend to be an expert in other state laws -- so --

Rep. Price: ( 2718 ) In the statistics you talk of the 58% but of the 40 -- 27 were reportable crashes and had their insurance suspended --

Terry Weiss: I don't disagree with you at all. The only concern I have is one offense causing so much to happen to a kid. How do you separate crashes, points, etc.-- 7 points is not a big change.

Steffany Weiss: A copy of her written testimony is attached.

Rep. Mahoney: ( 3376 ) Thank you for appearing -- I am troubled by some of your testimony -- you say you lost your license because of the graduated drivers license law -- no, you lost it because you were speeding. Didn't you realize you were going 90 mph down the road?

Steffany Weiss: I really didn't have any idea I was going that fast. You just get involved in something else and your foot takes over without you realizing it.

Rep. Carlson: ( 3466 ) We all realize there are consequences for actions -- do you have any idea what would have happened to you if you had had a blown out a tire at 88 mph -- your folks would have been visiting you in a funeral home. I would have gotten a ticket if I were driving that fast. Either we have to train our kids better -- you said you weren't aware of the points -- you are fortunate to be here today -- a lot of bad things could have happened to you at 88 mph.

Rep. Weisz - Chairman ( 3560 ) Did you already have your license and did you have drivers ed?

Steffany Weiss: Yes I did have my license and I had had both the classroom and the behind the wheel.

OPPOSITION TESTIMONY ( 3707 )

Kent Olson: I am the director of the North Dakota Insurance Agents who specialize primarily in auto insurance. A copy of his written testimony is attached.

Rep. Mahoney: ( 4462 ) Would 6 points under the old law be enough to trigger the insurance companies to say that we are not going to live that --

Kent Olson: Definitely.

Rep. Mahoney: ( 4512 ) It seems like that when the driver's record got up to 4 or 5 or 6 points it seems like the insurance companies had some way of knowing that -- do you still follow that -- records, I mean.

Kent Olson: Motor vehicle does not record the speeding points -- where there is individual points --

Rep. Mahoney: ( 4536 ) It is the points I am asking about --

Kent Olson: I think any violation raises a flag for the insurance companies. I don't know of any Threshold. Substandard companies will go up to 20 , 25, 30 points but they charge you accordingly.

Rep. Mahoney: ( 4637 ) I had some questions of the Department as to how many license are being dropped

Lyn Heinert: I am the manager of Driver Improvement Programs for the DOT: Last year -

August 1 through July 31st -- in that period there were: 1141 cancellations:

37% - alcohol related

24% accumulation of violations

39% 1st violation offenses or 286 were 6 points or more

For speeding 16 mph or more, careless driving, passing

School busses -- 120 were 7 point violations.

If you raise the threshold to 7 points you will be effecting about 350 student s or young people.

Rep. Mahoney: ( 5083 ) what per cent are alcohol related offenses?

Lynn Heinert: 37%

Rep. Schmidt: ( 5126) I know the Department used to have a lot of good materials for the schools

do you now and does that material get the students attention?

Lynn Heinert: We a have excellent brochure prepared by the students themselves -- it was prepared by the Hettinger High School based on the proposal which they had submitted: It is excellent and well received and I have copies for you.

Rep. Kelsch: ( 5347 ) did you send out letters informing the minors of the graduated drivers license?

Lynn Heinert: We sent out letter to drivers under 18 who had points on their driving record and we sent the information out to the schools particularly to the driving program instructors. It was also sent out to the courts and many other groups --safety, etc. Students also pass this along by word of mouth.

Rep. Weisz - Chairman There being no other persons wishing to testify either for or against SB 2436 we will close the hearing. ( 5778 )

