

2011 SENATE TRANSPORTATION

SB 2346

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

SB 2346
February 10, 2011
14334

☐ Conference Committee



Explanation or reason for introduction of bill/resolution:

Introduced at the request of a constituent.

Minutes:

No attached testimony

Chairman Senator G. Lee opened the hearing on SB 2346 relating to restricted licenses for minors.

Senator Olafson, District 10, introduced SB 2346 and said that he introduced this bill at the request of a constituent. His constituent was involved in a family farming partnership and brought to his attention that under current law a person holding an operators permit is restricted to driving the parent or the guardian's vehicle. He stated that in his operation it would make sense to include a broader list of family members. It is a simple bill and it adds (grandparent's, sibling's, aunt's, or uncle's) automobile.

Senator Mathern asked if besides parents and guardians, do any of these others have any sort of general liability.

Senator Olafson replied that under all insurance policies, anytime you authorize a licensed driver to operate your vehicle, the insurance that you have covers that operator.

Senator Oehlke asked if there was a definition of guardian in the code.

Senator Olafson said that he assumed somewhere in the code that definition exists. He added that a guardian is a legal term which means that a court has issued an order that this person would be assigned as the guardian.

Senator Lee asked if a parent or guardian had to give permission for the grandparent, or sibling or aunt to let the child drive the vehicle.

Senator Olafson replied that the bill would not restrict that but that type of situation would be left with the parents. It is not a legal matter; it is a matter between the parents and grandparents or other family.

Senator Nodland asked how many of these permits are out there.

Senator Olafson replied that he couldn't answer that.

Senator Nething asked what the problem was.

Senator Olafson answered that the problem is that in this family farming type operation there are a lot of vehicles and the vehicles are not necessarily titled in the parent's names. The law now reads that the permit is only good to drive a vehicle that is titled in the parents or grandparents names.

There was no opposition to SB 2346.

Senator Lee closed the hearing on SB 2346.

Senator Nething said that this doesn't seem like a real common problem but thought it should be fixed.

Senator Nething moved a **Do Pass**.

Senator Sitte seconded the motion.

Senator Mathern was concerned about creating conflict within the family. He would like to see that addressed.

Senator Sitte said that they could add an amendment to say on line 6, to operate the parent or guardian automobile or with parental permission the grandparent's, sibling's, aunt's or uncle's automobile.

Senator Mathern said that would address it.

Senator Nething replied that he doesn't know how to legislate a perfect world. He gave an example of a grandchild out at the grandparent's farm for the summer and it gets complicated when you have the parents required to give the grandparents permission. How do you deal with a divorced family or split families? It just makes it all real complicated. He is afraid we will try to restrict too many things. He stated that he couldn't possibly think of all the problems this would be nor can he think of every benefit.

Senator Nodland agreed with Senator Nething. He said that the majority of the situations are with family farms. He said that this bill will solve the problem.

Discussion continued on the concern for parental rights and liability.

Senator Nething talked about having an amendment that would make line 23 read the same in line 7.

Senator Sitte said that line 16 should also include that language.

Senator Nething withdrew his original motion.

Senator Sitte withdrew her second.

Discussion continued on the amendments and the concerns of Senator Mathern.

Senator Nething moved for adoption of the Nething amendment.

Senator Sitte seconded the motion.

Roll call vote 6-0-0. **Amendment adopted.**

Senator Nething moved a **Do Pass as Amended**.

Senator Nodland seconded the motion.

Roll call vote 5-1-0. **Motion passed.**

Senator Oehlke will be the carrier.

Date: 2-10-2011
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2346

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Senator Nething amendment

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Nething Seconded By Senator Sitte

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 2-10-11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2346

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Nething Seconded By Senator Nodland

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern		✓
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Oehlke

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

REPORT OF STANDING COMMITTEE

SB 2346: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike "or" and insert immediately thereafter an underscored comma

Page 1, line 16, after "guardian's" insert ", grandparent's, sibling's, aunt's, or uncle's"

Page 1, line 23, overstrike "or" and insert immediately thereafter an underscored comma

Page 1, line 23, after "guardian" insert ", grandparent, sibling, aunt, or uncle"

Renumber accordingly

2011 HOUSE TRANSPORTATION

SB 2346

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

SB 2346
03/11/2011
Job # 15319

☐ Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

SB 2346 is a bill relating to restricted licenses for minors.

Minutes:

Senator Olafson, District 10, introduced SB 2346 and spoke to support the bill. He explained that he introduced the bill on behalf of a constituent that runs a family farming business. In their business vehicles are titled in different names by different partners in the family. An example was given of a pickup truck titled in the grandfather's name. According to current law his daughter would not be able to legally drive that vehicle because it has to be titled in the parents' or guardians' names. His suggestion was to add grandparents or aunts or uncles, which would cover the situation in their family farming operation. Other hypothetical situations were brought up that could apply, not only on the farm but in town as well.

There was no further support for SB 2346.
There was no opposition to SB 2346.
The hearing was closed on SB 2346.

Representative Delmore moved a DO PASS on SB 2346.
Representative Weisz seconded the motion.

Representative Sukut: Is there any conflict here with the GDL bill?

Chairman Ruby: I don't believe that there is a conflict, because that is dealing with who is with you when you are driving, and this is the ownership of the vehicle.

Senator Olafson: We did amend the GDL bill with this same language.

A roll call vote was taken. Aye 12 Nay 0 Absent 2

The motion carried.

Representative Onstad will carry SB 2346.

Date: 3-11-11

Roll Call Vote #: _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2346House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Delmore Seconded By Weisz

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser					
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa					
Representative Weisz	X				

Total (Yes) 12 No 0Absent 2Floor Assignment Onstad

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

REPORT OF STANDING COMMITTEE

SB 2346, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends
DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2346
was placed on the Fourteenth order on the calendar.