

## 2009 Legislation Brief

### **HB 1038**

This bill authorizes the issuance of a temporary restricted license to drivers that are suspended for non-payment of child-support. The intent was to target commercial driver's license holders. Under MCSIA, temporary restricted licenses cannot be granted for commercial driving privileges if the driver is suspended for any other traffic offenses (too many points, alcohol, DUS, etc.). If the only reason the CDL driver is suspended is due to non-payment, a TRL may be granted.

### **HB 1132**

This is a Drivers License clean-up bill. This bill prohibits the use of the social security number as a drivers license number and removes the weight and hair color from the CDL driver's license document. It deletes the requirement to surrender a suspended license clarifying that an individual does not have to surrender the license when a Report and Notice is issued. It adds the word "disqualify" in reference to commercial driving privileges to meet CDL compliance requirements. It adds reference 39-06.1-11 as an exception to 39-06-03(2) to allow issuance of a temporary restricted license to those individuals that are revoked. It establishes the issue date when a Report and Notice form is mailed to a non-resident operator to coincide with the issue date when mailing a Report and Notice to a resident operator.

### **HB 1134**

This bill clarified the current language of the law that allows a law enforcement officer to issue a temporary operator's permit by mail to a person who lives within the officer's territorial jurisdiction. For example, a Bismarck police officer can mail the temporary operator's permit to a resident of Bismarck if the results of a blood or urine test come back at or above the legal limit. This was the original intent of the law in 2007.

### **HB 1161**

This bill authorizes the director to ask for additional information on the application for a license or non-driver ID card and authorizes the director to require applicants to provide a social security card and proof of residence address as a means to secure identity. This bill also authorizes the director to require proof of legal presence prior to issuance of a license or non-driver ID card as a means to secure identity.

### **HB 1175**

This bill, SECTION 12 – AMENDMENT to Subsections 1 and 5 of 50-09-08.2, allows child support enforcement to obtain automated access to records of the Department of Transportation, which access is not subject to the requirements in section 39-16-03 (the \$3 fee requirement and notification sent to the driver).

### **HB 1219**

This bill requires law enforcement to have all drivers involved in a crash resulting in a fatality to submit to a chemical test to identify the presence of alcohol or drugs in the driver's system provided the officer has probable cause to believe a driver committed a violation of 39-08-01 or a moving violation as defined in section 39-06.1-09.

### **HB 1252**

This bill allows an individual to change his or her middle name on a marriage license to his or her pre-marriage surname or former surname. This change will then allow the director to issue a drivers license or non-driver ID card with this type of name configuration.

### **HB 1287**

This bill amends 39-06.1-10(7) regarding the period of suspension time for violations of section 39-08-01 or equivalent ordinances, including driving under the influence of drugs. It allows for the suspension of driving privileges when the court does not specify the alcohol concentration on the conviction even though there was a valid test given.

### **HB 1288**

This bill allows the Uniform Traffic Complaint and Summons form to be used for non-traffic related offenses (i.e. fleeing law enforcement on foot).

#### **HB 1306**

This bill creates a new subsection to 39-06.1-11 that allows a temporary restricted operator's permit to be issued to an individual on their second or subsequent alcohol offense for participation in the 24/7 Sobriety Program that requires twice per day testing. This bill expands the Attorney General's 24/7 Sobriety Program to operate statewide and for courts to use the program as an intermediate sanction or condition of parole.

#### **HB 1438**

This bill authorizes the director to issue a nonresident commercial driver's license to an individual who is a resident of a foreign country. The social security number requirement may also be waived when issuing the nonresident commercial license. The federal regulations pertaining to CDL's allow for nonresident commercial driver's licenses. These individuals must meet all other testing and driver qualifications for obtaining a CDL.

#### **HB 1534**

This bill amends 39-08-01.2 to make it a Class A misdemeanor if convicted of causing injury or death while driving under the influence.

#### **SB 2041**

This bill expands representation on the Criminal Justice Information Sharing Board to include the Director of the North Dakota Department of Transportation and other pertinent stakeholders.

#### **SB 2047**

This bill provides for an appropriation to the North Dakota Department of Health Division of Emergency Medical Services and Trauma to provide grants to rural law enforcement and individuals choosing to become licensed first responders.

#### **SB 2067**

This bill allows people to register online to become an organ donor. Once registered, a letter will be generated to the donor verifying they have become an organ donor. If the donor is a minor, the letter will go to both the donor and the donor's parents. This information will be entered into the driver's record and their license will be updated to reflect donor status next time they renew. However, for purposes of organ donation, the donor's wishes are reflected immediately in their driving record.

#### **SB 2112**

This bill requires drivers on the interstate or on a multilane highway to safely move over to the opposite lane when a vehicle operated by or under the control of the director used for maintaining the state highway system is parked or stopped and is displaying a flashing, revolving, or rotating amber or white light. Causing an accident because of failure to safely move over or reduce and maintain a safe speed for the road conditions will result in an infraction and a 2 point assessment to the driver's record. Basically, North Dakota Department of Transportation vehicles will be afforded the same protections as authorized emergency vehicles while stopped on the interstate or multi-lane highways.

#### **HB 2279**

This bill is an amendment to subsection 5 of 39-08-13. It allows the director as well as the investigating agency of a crash to release a complete copy of the investigating officer's opinion.

#### **SB 2429**

This bill aligns the hours of service for commercial drivers with the federal hours of service regulations. It clarifies that a commercial driver cannot drive more than eleven hours since the last ten hours off duty nor drive after fourteen hours on duty since the last ten hours off duty. This is primarily a motor carrier enforcement issue.