

House Bill 1072
Senate Transportation Committee
Chairman David Clemens
March 12, 2021

Major Tom Iverson, Chief of Operations
North Dakota Highway Patrol

Good morning Chairman Clemens and members of the Senate Transportation Committee. My name is Tom Iverson, and I am the chief of operations for the North Dakota Highway Patrol. I am here today to propose an amendment to House Bill 1072 which relates to electronic operator's licenses.

The North Dakota Highway Patrol supports the overall concept of a digital driver's license, and this technology has already been implemented or is being tested in several states. If this type of digital license technology is authorized in North Dakota for law enforcement and identification purposes as described in this bill, a physical license would likely still have to be issued to those who travel out-of-state or want to fly.

The proposed amendment would clarify the original intent of Section 4 which was to require that electronic operator's license data can only be transferred with authorization from the license holder. The current language specifically restricts law enforcement officers from accessing data without permission, but officers already have access to driver's license data. Peace officers must follow strict guidelines when accessing this type of information.

The responsibility to protect the transfer of data should be placed on the software being used, and that protection should apply to any attempted transfer such as someone with criminal intentions trying to capture your personal data. The proposed amendment would require the software to protect the operator's data regardless of who is trying to access or retrieve the data. The operator would be in control of authorizing a transfer, and in the case of law enforcement, 39-06-16 would require that an operator provide a license physically or electronically.

Being able to provide identification electronically would match the process allowed for providing proof of liability insurance in North Dakota, and it could likely expand in the future to areas like vehicle registration information. The motor carrier industry and law enforcement officers around the nation are currently transferring log book data electronically so the digital sharing of information is possible. The highway patrol will continue to work with DOT on successful implementation from a law enforcement standpoint if this project is supported legislatively.

This concludes my testimony, and I will stand for any questions.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1072

Page 1, line 21, replace "Subject to section 39-06-16, a law enforcement officer" with "The computerized licensing system"

Page 1, line 21, replace "scan, retrieve, or in" with "transmit or transfer"

Page 1, line 22, remove "any other manner request electronic possession of"

Page 1, line 23, replace "permission" with "authorization"

Renumber accordingly