

**Testimony HB 1253**  
**House Transportation Committee**  
**January 27, 2023**

Mr. Chairman and members of the House Transportation committee, my name is Savannah Schmidt of the Associated General Contractors of North Dakota. AGC of ND is a 400 member association which has been in existence since 1951. Our membership consists of all aspects of commercial construction - highway contractors, vertical contractors, specialty contractors, subcontractors as well as material and equipment suppliers.

The AGC of ND is opposed to HB 1253, which is the same position we've had on similar bills introduced during most of the past legislative sessions. While damage to vehicles, particularly windshields is frustrating, we don't believe a tarping mandate will solve the problem. Current law (NDCC 39-21-44.1) states "no vehicle may be driven on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom". If a vehicle violates this, they can be cited.

If HB 1253 is enacted, it will have a cost to business which will be passed on as an overall cost of doing business. In inquiring with some of our members, \$4,000 is a common number given as an approximation for tarp cost. Depending upon the size of the business's fleet, would determine the overall cost. I will defer to one of our members who will be testifying after me to further expound on the cost and the effect such a mandate would have on our members' businesses.

I inquired with my AGC colleagues from our neighboring states regarding their respective policies regarding this issue. Their policies are the same now as previously reported. Minnesota has a tarping requirement while Montana and South Dakota do not.

For these reasons, we respectfully request a Do Not Pass recommendation on HB 1253. Thanks for the opportunity to testify. I will be happy to attempt to address any questions.