

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

120

2001 HOUSE TRANSPORTATION

HB 1220

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1220

House Transportation Committee

Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
1	x		99
Committee Clerk Signature <i>Laura L. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1220; A BILL for an Act to amend and reenact subsection 3 of section 39-06-17 of the North Dakota Century Code, relating to restricted operator's licenses for minors.

Rep. Delmore: I represent District 43. I am here today to ask for your support HB 1220 . As a mother of a 15 year old son who recently completed driver's training. He received his license and is a very good driver. He has a new understanding of quality drivers training. HB 1220 simply provides that all drivers training meet the same minimum requirements to put safe drivers and especially teenage drivers on the road. Minnesota already requires both these components. I ask your favorable consideration HB 1220.

Rep. Mahoney For the record I am John Mahoney, representative from Center, ND District 33. Those of you who were in previous sessions, you know that I and Representative Carlson were involved in developing the graduated drivers license bill. Throughout the interim we talked about it a lot. We have heard a lot of pros and cons. It is kind of a new concept. We would like

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to think it is working and is effective. We have some people who are upset because it impacted them. We have to do the retroactive thing which we never really intended. But its in place and I would like the think its hopefully saving a lot of people and children from injuries and even death. We've looked at a few things that needed to be tweaked in the law alittle bit. We assumed there would be some little changes here and there. This is one of the things that came up -- if a person loses his license is the ability to take the drivers education. The problem that came up was that drivers education isn't provided everywhere -- you know all year around. This is to expand it a little bit -- and include the high school program. I do have an amendment to the bill that I will be proposing. A concern that came up is there are places that don't have the drivers school and -- and only have the drivers ed course in the school once a year. So it might be some may have a difficult time to get these courses and would like to take the test -- they might have in some parts of the state have to wait a whole year. So what I am proposing in the amendment is that in lieu of the class room instruction and the behind the wheel, the child may complete 50 hours of driving with that child's parent or guardian in accordance with rules defined by the DEPT. designed in the dealing with the various driving conditions. And which limit the option in which the class room instruction or a course of behind the wheel is not readily available. So what were trying to do is say that if it isn't available you can do this 50 hours of training. I am not sure how it will be implemented but we will with work the DEPT. as we have done in the past. If you have that 50 hour option with the parent, I can see all the kids jumping on that and forget about these driver ed stuff. So that's why we do have -- its only where the behind the wheel is not readily available.

Rep. Weisz - Chairman This requirement there applies to both the initial and drivers license and to also to if you loses his license? Is this going to be in place for someone getting his first time license.

Rep. Mahoney: We debated it the last session and it went out.

Rep. Carlson: I have been trying to read that in the bill and I can't find it where it say that if you lose your license this applies.

Rep. Mahoney: What happens is if you lose your license you go back to square one as if you never had one.

Rep. Carlson: Is that in the code somewhere?

Rep. Mahoney: Yes it is. If there is alcohol or they lose six points and they are all done.

Rep. Kelsch: (601) This doesn't solved the problem because this was to be used only after they had lost their license. Not to be used as part of the requisite to having drivers training or that the Schools have it or commercial. It is after they lost there license where the backup occurs. These kids are losing their license and they are having to wait to get into programs because the new kids are coming in and trying to get their licenses. So this doesn't solve the Problem.

Rep. Mahoney: I have to admit that you have point. Obviously we may have to rework the amendment a bit so it would make that clear.

Rep. Weisz - Chairman they way this bill is drafted now it is by the issuance of a new license. It is not what you were trying to do.

Rep. Mahoney: The way it is drafted it would apply to the new and to those who had lost theirs

and have to come back and take it -- so it applied to both but what we will need to do is in the amendment -- on that 50 hours is to say 'if they have lost their license' and are reapplying or whatever then they will qualify for the 50 hour thing. But we won't allow the 50 hour for their initial test.

Rep. Carlson: (729) How does it help the problem then where are schools that don't necessarily offer behind the wheel ? For the first time person trying to get their license?

Rep. Mahoney: That's something that's basically been the law for years before we ever did anything like this. Now they have to go through drivers ed and take it when it is available. There schools which offer it once a year and they know that this the time for drivers ed and they take it when its offered.

Rep. Carlson: I understand the intent of this 50 hour thing but I think it would be really interesting to see how you would monitor it and how they filled out who attended 50 hours and how the Dept. accepted that.

Rep. Mahoney: That was kind of a bone of contention two years ago, they considered it was those situations where how far can you trust the parents really follow through on this. We were reluctant to go through with that originally and in this instance where they have lost their license and are trying to get it back-- we consider that. It would be vary difficult to monitor but there has to be a little bit of trust there.

Rep. Schmidt: (848) To me, Junior gets a violation of a driving law. The neighbor boy didn't have a violation. They have to go through the same thing. To me if I were a 14 year old I did everything right and now I have to do this. I think this has to be corrected before I could vote for this. To me this would be discrimination.

Rep. Mahoney: For the person first getting their license we are treating them all the same. So it really the same as before we ever messed with this law and that was they had to take the drivers

ed or school. That's the way it has always been. Now we are not treating them any different.

What happens, there is a penalty, a significant penalty if somebody gets a six points when they are in the restricted license phase or has an alcohol violation. They lose their license. And then they have to go back to square one. And what we are actually doing is -- a lot of people think that is severe in itself and maybe it is and maybe it isn't but that was our intent was to try to deter kids from drinking and driving. But when they have made those violations they may not be able at that time of the year when they can get their training in because it isn't offered. We want give them an opportunity to get their license back within the time frame of -- I don't remember - three months or something -- however long it takes, but they have to get their permit again and go through the permit phase which I think is six months -- and then take the course again -- with the six months we think that is enough penalty that as soon as that six months is up -- we would like to allow them to take the drivers ed, the driving course and the test again.

Rep. Schmidt: So the boy that made the mistake would be taking this twice.

Rep. Mahoney: That is right.

Rep. Pollert - Vice Chairman: (1055) My name is on the bill but comes to light too, there are some kids who have had the class room instruction and we are making them take it again. Are there going to be some cases where that is no going to soak in -- because they have already done it and so they are not going to pay attention -- its going to be a redundant course for them, so I will take the class room instruction -- how are they going to learn anything the second time through?

Rep. Maloney: I guess it is a lot like things in life, you can take the same course, watch the same movie, or read the same book and presumably you are going to get something out of it each time.

I hope that the kids the second time will learn some more responsibility. They will pick up a few more things and come closer to being responsible drivers which we want them to be.

Rep. Thorpe: (1150) They're going to have to go back and get some more instruction because of a violation. If it turns out they have a choice of behind the wheel with their parents or guardian --would the parents or guardian, also have or should they be instructed to, if they see those children making violation and not following instructions --that they have the right to ask for their license to be withheld and suspended from them.

Rep. Mahoney: The parents are in charge of the 50 hour thing.

Rep. Thorpe: But legally can the parents do that -- ask for that child's license?

Rep. Mahoney: My view of this that the DOT will require some sort of certifications from the parent after the 50 hours. After the 50 hours the parent gives that to the DOT and then the parent couldn't go and ask for that back. But the parent can come up to the kid and say I want your license and your are not going to drive for a while. Parents have that right now. But once that certification is in the DOT that's an application for a permit or license like any other application and other time.

Rep. Dosch: (1349) Just one comment, it seems that requiring a parent to spend 50 hours in an automobile teaching him how to drive is more of a penalty for the parent than it is for the kid.

David Mellon: I am a Driver Ed Instructor in the Mandan High School and my rationale for supporting HB 1220 is included on my hand out. A copy is attached.

OPPOSITION TESTIMONY:

De ~~an~~ Buchanan: I live in Jamestown and I own my own driving school . I taught drivers ed for over 20 years in over 10 different schools in South Dakota and many schools around the

Jamestown area. Most of the kids I get in my driving school are physically very good drivers. They can brake.. They can steer. They can do all the things physically is required of them to drive. But what they think about and what they see and what they need to learn out on the road is really need a lot of work on. That is what I try to strive in -- to work on in the car. What they need to watch for -- what they need to be aware of and how to keep themselves safe up the road. To make these kids who have lost their license come back in and take the thirty hours of classroom -- I have taught that for 30 years -- we got through everything in the classroom. These kids would have to sit through to how put the car into reverse, the gas is on the right, the brake is on the left, and these kids have had their license they know that stuff. It is good for them to know that but I don't think that's what keeps them safe up on the road. I feel it is more beneficial to them and a lot better for them to have the six hours behind the wheel time. It is a much more intense driving time. In the school they get to ride in the car with two other students, they observe and take turns to drive and each gets about 15 minutes each hour behind the wheel. In our driving schools they get the full six hours behind the wheel -- one on one. When they come to us they already have their permit. They already know the rules of the road. So we can concentrate on their driving skills. Thirty hours of class room is asking an awful lot for them to sit through. Not all students have the time to spend five hours a day on that because they have basketball camps, music camps, or a job they are going to. We provide a good alternative to able to complete their drivers ed program.

Rep. Price: I am addressing only the first time around not after they have lost their licenses, what is the course that you teach, is the course you have approved by the state?

David Buchanan: It is a behind the wheel six hour course. I have a check list I go through. We go through everything, left turns, right turns, proper signals, where to stop, not to run stop lights, how far ahead to look on the road, how to keep yourself safe, what lane positions to keep yourself safe and all the real driving situations.

Rep. Price: What percentage of your students have had the classroom training thru the school?

David Buchanan: My students? None. And I do know some students have lost their license for rolling through a stop sign, or didn't have their seat belts or their passengers didn't have their seat belts on -- now that doesn't make them a bad driver -- but they do lose their license, they do have to wait the six months and take drivers ed again -- now in many of these small schools they are not going to have drivers ed offered until next summer. So they lost their license in July, they are not going to be able to get their get it back until the next July. And by that time many if them will be 16 and they won't be required to take this to get their license back but in the meantime they need to get to their jobs, they work on the farm, -- it gets to be a pretty bad deal for the parents and the kids.

Rep. Weisz - Chairman do you agree that for the initial time they should be given classroom instruction?

David Buchanan: No, not necessarily. There are a lot of kids, in teaching it the high school, that have gotten into the car -- I tell them to start driving-- they say how do you do that but there are kids who have been driving on the farm and the parents have made the decision that it is time for them to get their license. Then they come to me -- we brush them up on all the things they are not doing properly and all the things they are expected to look for them. But I don't think it is necessary for all the kids to take the classroom initially.

Rep. Jensen: I appreciate all your concerns. Can you understand what the authors of the bill were intending to do, can you suggest a way that might accommodate what we are trying to do and still sit well with your system of instruction?

David Buchanan: I don't believe putting the kids through a thirty hours of classroom instruction is the answer. I believe the solution is the six hours behind the wheel. I don't know whether there have been any national studies to determine which students make better drivers -- between the classroom and behind the wheel.

Rep. Kelsch: To clarify your comments a bit -- this bill would only apply to a first time. It would not apply if you lost and have to come back again to get the drivers training. It would apply only the first you time you go through to get your license. My question is, Mr. Buchanan -- I have actually three of them for you - first, How much does it cost for your drivers school? -Second, You talk about some kids come back in and go through your course again, you can tell me how many of those kids --what per cent have come back? Third, you talk about the kids in the rural communities in North Dakota -- after they have lost their license, would support them in taking the 50 hours with their parents?

David Buchanan: As far as my costs goes, most schools charge between \$200 and \$225 in the state and most of the time that comes out of the kids pocket. As for the alternative, many schools in North Dakota many of the smaller schools don't have drivers ed anymore. A school I teach in Tower City they have to get a teacher out of Bismarck to come and live in a motel for three weeks to teach drivers ed in Tower City. That was their only recourse. As for the 50 hours with the parents-- it not a bad idea but it is kind of hard to prove that it was done. The whole concept of getting their license is so personal between the parent and students. Some kids are ready to

drive when they are 15-17 years old others are ready when they are 14 but they probably been driving on the farm for years. They are ready to drive. So the 50 hours again I don't think would be necessary and the six hours they do behind the wheel -- we can tell whether they are capable drivers or not -- if they know the rules of the road.

Rep. Hawken; (2594) May be the rules have changed, but I know that my son is going through this process you had to have both behind the wheel and the classroom to be able to get insurance.

David Buchanan: No, that's not true these days -- six hours behind the wheel -- any insurance company does help with the insurance lowering the rate.

Rep. Mahoney; (2648) You say your course has no classroom instruction?

David Buchanan: That right.

Rep. Mahoney; It is approved by the DOT, correct?

David Buchanan: As far as what we cover in the car I believe most of what we cover in the classroom.

Rep. Schmidt (2706) Is there a federal -- both have agreed that six hours behind the wheel is necessary -- the only point of contention here is the thirty hours of classroom -- is there a national law -- may be the DOT knows is here a federal law?

Marsha Lembke: Directors of Drivers Licensing. There is no federal law that I am aware that says six hours to 10 hours -- each state sets its own standards. Now if I put my Traffic Safety Directors hat on --there are certain standards the American Association of Motor Vehicle Administrators work on and that is kind of what we work off of to come up with recommendations we would make. And then there is a lot of stuff the National Highway Traffic

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Safety Administration also has stuff we can blend together. Six hours behind the wheel has been around so long -- for a long time.

Rep. Kelseh: (2910) I asked --??? Back here, he says 12 hours - six hours behind the wheel and six hours of classroom.

Rep. Weisz - Chairman if there is no one else who wishes to testify on HB 1220, we will close the hearing to any further testimony. (2961)

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1220 B

House Transportation Committee

Conference Committee

Hearing Date February 15, 2001

Tape Number	Side A	Side B	Meter #
1		x	5,130
			End 5855
Committee Clerk Signature <i>Laura L. Zwick</i>			

Minutes: Rep. Weisz - Chairman opened the discussion for action on HB 1220.

Rep. Mahoney: (5194) Passed around copies of some proposed amendments as developed by the subcommittee. He explained that the first recommendation was to change the section of the Century Code so that this applies only to those who have lost their license not the first time around but who have lost their license under the graduated drivers license bill. Also these amendments would give them the option under the instruction part of it to avail themselves of the Internet courses of instruction instead of waiting up to a year when it may be offered again through the school system.

Following discussion, Rep. Mahoney: (5551) move the amendments as presented as LC10101.0103 with the addition of an "or" after subsection (1) . Rep. Kelsch: seconded the motion.

On a voice vote, the motion carried unanimously.

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House Transportation Committee
Bill/Resolution Number HB 1220 B
Hearing Date February 15, 2001

Rep. Kelsch: (5675) move a 'Do Pass as Amended' for HB 1220.

Rep. Schmidt: I second the motion.

On a roll call vote the motion carried unanimously: 14 yeas 0 nays 0 absent.

Rep. Mahoney was designated to carry HB 1220 on the floor.

END (5855)

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1220

Page 1, line 1, replace "3" with "2" and replace "39-06-17" with "39-06-01.1"

Page 1, line 4, replace "3" with "2" and replace "39-06-17" with "39-06-01.1"

Page 1, replace lines 6 through 23 with:

- "2. If an individual has had that individual's license or permit canceled under subsection 1, the director shall deem that individual to have never have had any license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other license or permit to that individual until, while using the permit issued under this section, that individual:
- a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; ~~or~~ *or*
 - (2) Completes an internet course approved by the director and completes thirty hours of driving with that individual's parent or guardian in compliance with department rules designed for experience in various day and night driving conditions; or
 - (3) Successfully completes a course at an approved commercial driver training school; and
 - b. Satisfies all other requirements that apply to that individual for that license or permit."

Page 2, remove lines 1 through 8

Renumber accordingly

VR
2/16/01

HOUSE AMENDMENTS TO HB 1220 HOUSE Trn 2-16-01

Page 1, line 1, replace "3" with "2" and replace "39-06-17" with "39-06-01.1"

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Page 2, remove lines 1 through 8

Renumber accordingly

Date: 2/15/01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1220

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Kelsch Seconded By Rep. Schmidt

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	✓				

Total (Yes) 14 No 0

Absent _____

Floor Assignment Rep. Mahoney

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

REPORT OF STANDING COMMITTEE

HB 1220: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1220 was placed on the Sixth order on the calendar.

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Page 2, remove lines 1 through 8

Renumber accordingly

2001 SENATE TRANSPORTATION

HB 1220

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1220

Senate Transportation Committee

Conference Committee

Hearing Date 3-8-01;3-22-01;3-29-01

Tape Number	Side A	Side B	Meter #
1	x		0.0-37.5
1	x		43.2-46.5
3-29	x		
Committee Clerk Signature <i>Suzette Schaefer</i>			

Minutes: **HB 1220** relates to restricted operators' licenses for minors.

Rep. Lois Delmore: (District 43; Supports) This bill has changed substantially since its introduction. As a mother of a 15 year old son who recently received his license I have a new understanding of the importance of quality driver's training. HB 1220 provides for continued training and flexibility because of the points system.

Max Lariat: (NDEA; teacher from Grand Forks; Supports) Rises to reiterate what Rep. Delmore says. It's our interest that all students have the opportunity to participate in over the road and classroom participation. It's the requirement of the public schools system today and we believe it should be a requirement for all to participate. The bill has amended to approve an Internet course of study. An assessment of this program might be appropriate.

Senator Espgaard: Does this say that there is a either-or, you can take the Internet course or the regular course?

Max Lariat: Yes.

Don Prowdy: (Former owner of Don's Driving School; Supports) I'm going to address areas which may or may not apply to HB 1220. The history of commercial schools, the intent of the law, and so called "level playing field". As far as the changes in the bill, I like the three options offered: classroom, behind the wheel instruction, and Internet course with thirty hours of driving with a parent or guardian. Maybe " a licensed driver 18 years of age or older" should be added to "driving with a parent or guardian". This would be consistent with current law. As far as history of commercial schools is concerned, (tells a long, descriptive story about how) Col. Wood and Major Benson were involved. Classroom has not been a requirement. Commercial schools were developed to be an alternative to people based on necessity. There are some problems to keep in mind; there are more ADA students; over 1300 home-schooled students so obviously they are not in the position to get the classroom training; divorce rate around 50% causing strain on families so kids need to drive; there are many more sports today than years ago. Commercial schools meet a lot of needs. Gives specific examples of teens whom are pregnant, disabled and dying who use commercial driving school. In 1969, there were only two commercial schools, today there are ten. Basically, there are 3 schools that do not have the opportunity for classroom training or cooping. In summary, life has no level playing field. Classroom alone does not make a better driver. That has been my experience. We can't compare students with classroom and no classroom, it's an individual thing.

Rep. John Mahoney: (District 33; Supports) I'm co-sponsor of HB 1220. How this came about is through the graduated driver's license provision into law. What has happened is that there has been quite a few kids whom have their licenses pulled. When these kids lose their license, the Drivers Ed at the school is typically once a year and there is not the availability of drivers schools everywhere in the state. It could take a year or longer to get their license back. In a way,

this is an effort to accommodate those people whom have lost their license. Internet course would teach them attitude type of things. Changed from 50 hours to 30 hours. This only applies to those people whom have lost their licenses. Essentially, it leaves everything else the same.

Senator O'Connell: Was there any research done into federal law or are you aware of anything in federal stature concerning minimum required hours of driving?

Rep. Mahoney: To my knowledge, there isn't anything.

David Mellan: (Mandan Driver's Education Instructor; Supports) See attached testimony. I am in support of HB 1220. If we are going to allow 14 year olds to operate a vehicle, they need all the education they can get, behind the wheel and classroom. They need to develop good decision making processes. As far as the amendment to the bill, I really have reservations about an Internet course. How are you going to monitor this and ensure that the person has actually completed the course work other than the parents guarantee it. I see some problems with that.

Margaret Johnson: (Carrington High School; Behind the Wheel school; Supports) See attached testimony. DPI sets up amount of hours in accordance to credits. There is a loophole in the law. 14-16 year olds have to take drivers Ed. From 14-18 years old, you have to take it again to get license back. We have 14-18 year olds whom are not required to take drivers Ed to get their license. Along with this bill, we need to address this issue also.

Lynn Helmert: (Manager of Driver Improvement Services for Drivers License and Traffic Safety; Neutral) Would like proposed bill to state "completes an APPROVED Internet course". That would clarify where that approval comes from.

Senator Stenehjem: If I was under 18, could I get my license without taking any course at all?

Lynn Helmert: Under ND Statute, if you are under age of 16, you have to complete either 6 hours behind the wheel at a commercial driving school or 6 hours behind the wheel and thirty

hours of classroom through the school. You can not get your license if under 16 without some sort of training. If age 16-18, there is no training required.

Senator O'Connell: Is there any federal standards in place for driving hours, etc.?

Lynn Helnert: National standard, not a federal statute that all states have agreed to that it be 30 hours of classroom and 6 hours behind the wheel minimum.

Hearing closed.

Committee reopened on HB 1220 on 3-22-01.

Discussion held. Further information is needed.

Committee closed.

Committee reopened on 3-29-01.

Lynn Helnert: (Driver's License and Safety Division; Neutral) Hands out proposed amendment.

Senator Trenbeath: It concerns me a little bit that the proposed amendment states "approved provider" under 39-25. 39-25 doesn't define what an approved provider is. How does that terminology then translate into this chapter?

Lynn Helnert: I believe an approved provider would fall under the guidelines and they would be through an approved instructor or private driving school.

Senator Bercler: Are all of these accredited?

Lynn Helnert: The courses are approved, I wouldn't say accredited, by the Highway Patrol.

Senator Trenbeath: Would this approved provider have to be licensed and wouldn't it be cleaner to have it say "through approved licensee/

Lynn Helnert: Yes to both.

Senator Stenehjem: If I lost my license under the restricted operator's license and I get to the age of 18, would I have to go through instruction again?

Lynn Heinert: If you lost your drivers license under the minor drivers license law and you waited until you were 18 to get privileges back, the only thing you would have to do is take a written, vision, and road test. You would not be required to take classroom instruction, driving school, or the Internet course.

Senator Stenehjem: If you go to behind the wheel instruction or commercial schools, are they required to make sure there are daytime and night time driving? Why is it listed related to the Internet and parent instruction section when it is not required now?

Lynn Heinert: No they are not required to now. Why it is specifically listed as day and nighttime in that section I can not answer.

Senator Stenehjem: Maybe it would be better to put it as "designed for experiences in various conditions".

Senator Stenehjem: Who approves behind the wheel instruction now?

Lynn Heinert: The Highway Patrol.

Senator Stenehjem: What we are saying now is that you can take classroom course and behind the wheel, or Internet course with parents, or go to commercial driving training. Could I mix and match? What's the difference?

Lynn Heinert: The way I read the bill as it stands you do not have that option because of the "or" in there.

Senator Trenbeath: I would guess the answer lies in the wording "behind the wheel instruction acceptable to the director". Do you think that would be possible?

Lynn Heinert: Explains the process and requirements of getting your license. I don't think that in this statute dealing with the minor driving license cancellation, we would not change the process, the rules would stay the same.

Senator Stenehjem: What's the cost of the Internet course?

Lynn Heinert: I have no idea.

Senator Espegard: What's the cost for commercial driving training?

Lynn Heinert: It depends on the driving school. I have heard that it ranges from \$150-\$300.

Senator Muten: Why couldn't the driver's Ed teacher be the one who handles the Internet course also? Would that be possible?

(Discussion held- meter # 23.4)

Senator O'Connell: Why don't we put an emergency clause on this and whenever they get it up and running it can be going?

Senator Stenehem: Fine by me.

Senator O'Connell: I motion to accept proposed amendments as follows: "through a licensee" under Chapter 39-25; page 1, line 19 remove the word "day and night"; and put the emergency clause on it.

Seconded by Senator Trenbeath.

Roll call taken. 6-0-0.

Senator Trenbeath motions to Do Pass as amended. Seconded by Senator Bercier. Roll call taken.

6-0-0. Floor carrier is Senator Espegard.

Committee closed.

JCB
3-29-01

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1220

Page 1, line 2, after "minors" insert "; and to declare an emergency"

Page 1, line 15, overstrike "or"

Page 1, line 16, replace "approved by the director" with "through a licensee under chapter 39-25"

Page 1, line 19, remove "day and night"

Page 1, after line 23, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

3-29

Date:
Roll Call Vote #:

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

HB1220

Senate Transportation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken

~~Roll Call~~ motion to move ^{verbal} amendment

Motion Made By

O'Connell

Seconded
By

Trenbeath

Senators	Yes	No	Senators	Yes	No
Senator Stenchjem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Bercler	X	
Senator Mutch	X				
Senator Espegard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

3-29-01

Date:
Roll Call Vote #: 2

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

HB 1220

Senate Transportation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Trenbeath Seconded By Bercuer

Senators	Yes	No	Senators	Yes	No
Senator Stenehjem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Bercuer	X	
Senator Mutch	X				
Senator Espgaard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Espegard

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

REPORT OF STANDING COMMITTEE (410)
March 29, 2001 4:12 p.m.

Module No: SR-55-7217
Carrier: Espgaard
Insert LC: 10101.0301 Title: .0400

REPORT OF STANDING COMMITTEE

HB 1220, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1220 was placed on the Sixth order on the calendar.

Page 1, line 2, after "minors" insert "; and to declare an emergency"

Page 1, line 15, overstrike "or"

Page 1, line 16, replace "approved by the director" with "through a licensee under chapter 39-25"

Page 1, line 19, remove "day and night"

Page 1, after line 23, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2001 TESTIMONY

HB 1220

**David Mellen
804 7th Av NE
Mandan, ND 58554
Driver Education Instructor
Mandan High School**

In support of H.B. 1220

Rationale:

- 1. The goal of all driver education programs should be to produce safer drivers and to reduce collisions and fatalities.**
- 2. Currently commercial driving schools do not, and are not, required to provide students with any classroom instruction.**
- 3. High school driver training programs are required to instruct students in 30 hours of classroom and six hours of behind the wheel before certification.**
- 4. Commercial driving schools require only six hours of behind-the-wheel training for student certification.**
- 5. Classroom instruction is an essential component in the driver training experience. Students learn and develop an appreciation for safe and responsible vehicle operation.**
- 6. At the present time commercial driving schools are permitted to meet lower standards for student certification. The same standards should apply to all driving programs, whether commercial or high school.**
- 7. Classroom instruction would not be required for anyone 18 or older under this provision. However, even that would probably be a good idea!**

RE: #1220 Restricted Operators Licenses
Margaret J Johnson
Carrington ND 58421

Mr. Chairman and members of the Senate Transportation Committee:

Good Morning, Mr. Chairman and members of the Senate Transportation Committee. My name is Margaret Johnson; I run a commercial driving school and the Carrington High Schools Drivers Education program for minors. I live and teach in Carrington, ND.

I am here today to testify in favor of HB #1220. I like certain parts of the bill, but I feel the wording is not clear as to what is intended in Section 1. Amendment --

- a. (2) Completes an internet course approved by the director; and completes thirty hours of driving with that individuals parent or guardian in compliance with the department rules designed for experience in various day and night driving condition; or

My concerns are:

1. Is the intention for the parents to supervise both the internet course and the behind-the wheel instruction?
2. Who will supervise and assure these students are actually doing these hours of driving and completing the internet course?
3. Will there be guidelines for the parent or guardian who will be responsible for the driving instruction? Without guidelines the possibility exists that individuals with poor driving skills, suspensions, and questionable driving records will be giving instruction.
4. Who will be teaching these internet courses?

Students are more mobile at a much earlier age today. It is nothing for a student to drive from Carrington to Fargo for an evening to see a concert. Our job is not only to educate a student in order to pass their drivers test, but also to do our best to keep our children alive on our highways.

The requirements for becoming a high school driving instructor and commercial driving instructor are as follows:

- Secondary Education Degree and a minor in Drivers Education
- Tested behind-the-wheel by the Chief Examiner
- FBI fingerprinted and a background check
- A car no more than six years old equipped with a dual brake
- Car must be inspected yearly by a ND Highway Patrolman
- An approved curriculum
- License paid and renewed yearly
- Special vehicle insurance
- Instructor is bonded with the State of North Dakota

Mr. Chairman and members of the Senate Committee, thank you for your time, and if there are any questions, I will answer them at this time.

Sincerely,

Margaret J Johnson

Lynn Heinert

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1220

Page 1, line 16, after "course" overstrike "approved by the director" and insert immediately thereafter "through an approved provider under chapter 39-25"

Renumber accordingly

a license

Pg 1 LINE 19, REMOVE DAY AND NIGHT

**David Mellen
804 7th Av NE
Mandan, ND 58554
Driver Education Instructor
Mandan High School**

In support of HB 1220

Rationale:

- 1. The goal of all driver education programs should be to produce safer drivers and to reduce collisions and fatalities.**
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- 4. Commercial driving schools require only six hours of behind-the-wheel training for student certification.**
- 5. Classroom instruction is an essential component in the driver training experience. Students learn and develop an appreciation for safe and responsible vehicle operation.**
- 6. At the present time commercial driving schools are permitted to meet lower standards for student certification. The same standards should apply to all driving programs, whether commercial or high school.**
- 7. Classroom instruction would not be required for anyone 18 or older under this provision. However, even that would probably be a good ideal**
- 8. The driving process involves mental and social skills as well as physical skills. Classroom instruction is essential for the development of good decision-making skills.**
- 9. While an internet program could be of some benefit to some students, they would lose the interaction that takes with other students as well as interaction with their instructor. Classroom interaction is an intricate part of the learning process.**
- 10. An Internet program would require some system for monitoring and measuring the student's progress. How would this be accomplished?**