

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2395

2001 SENATE TRANSPORTATION

SB 2395

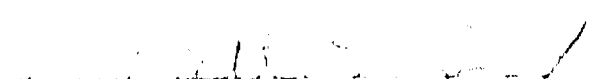
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2395

Senate Transportation Committee

Conference Committee

Hearing Date 2-9-01;2-15-01;2-16-01
2-9-01

Tape Number	Side A	Side B	Meter #
1		x	8,4-23,2
2-15	x		0-21,0
2-16	1	x	23,7-33,0
Committee Clerk Signature 			

Minutes: SB 2395 relates to windows of motor vehicles.

Senator Ben Tollefson: (District 38; Supports) The experts will be here at 8:30 Feb. 15th if you will allow the hearing to stay open until then.

Rep. Andrew Maragos: (District 3; Opposes) See attached testimony.

Larry Klundt: (Executive Director of ND Council of Leaders; Lobbyist # 36; Opposes)
Concerned with visibility issue. Concerned with school personnel at school/pedestrian crosswalks not being able to make eye contact with drivers for safety of the children.

Captain Jeff Balentine: (Minot Police Dept.; Opposes) See attached testimony.

Senator Espegard: What are the back windows tinted at?

Capt. Balentine: They are tinted at any degree as long as there are two backside mirrors to see out of.

John Olson: (ND Peace Officer's Association, NDSA; Opposes) States that he strongly opposes.

Steven Kenner: (Police Sergeant for City of Bismarck; Opposes) States that he's had 21 years of service, 14 are traffic related. The argument of tinted windows for fading of interior is no comparison to the safety issue. Another issue is who's going to be allowed to apply tint? Amateurs apply tint, there may be bubbles and that can lead to collisions. Manufacturers follow the 70% guidelines currently. Ten states ban tinted windows. There has been no study done on tinted windows and accidents, injuries, deaths, property and dollar amounts that I know of. This may be helpful.

Hearing closed.

Hearing reopened on 2-15-01.

Robert Suthard: (International Window Film; Richmond,VA; Supports) All new car manufacturers have some type of tint on windows. Most new car manufacturers have tinting at 75%-85%. Motor vehicle standard sets max tint down to 70%. Tint is made in 4 different shades/degrees of tinting: 5%, 20%, 35%, and 50%. We are asking for you to approve the lightest of these. We are asking for 50% film applied to a 70% glass. If you put 50% film on 70% glass it brings it down to 35%. That would be the maximum darkness it would get.

Herb King: (Supports) See attached testimony. Shows actual car window with different shades of tint applied for comparison.

Al Mizeur: (Mizeur Car Care of Bismarck; Supports) States facts about window example Herb showed. Simply asking for the lightest example shown.

Allan Marx: (Supports) States that window tinting saved his son's life when they were involved in an accident and the tint kept splinters of broken glass together.

Page 3

Senate Transportation Committee

Bill/Resolution Number SB 2395

Hearing Date 2-9-01;2-15-01;2-16-01

Roger Price: (Pro Tint of Fargo; Supports) (Holds up film) States that limousine film meters down to 3%. 50% film meters down to 35%. States surrounding states laws regarding tint. All we are asking for is a 50% compromise.

Hearing closed.

Committee reopened on 2-16-01.

Senator Bercier motions to Do Not Pass. Seconded by Senator O'Connell. Roll call taken. 3-3-0.

FAILED.

Senator Mutch motions to Do Pass. Seconded by Senator Espegard. Roll Call taken. 3-2-1. Floor carrier is Senator Trenbeath.

Committee closed.

Date: 2-16
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2395

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Bercier Seconded By O'Connell

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

Total (Yes) 3 No 3

Absent 0

Floor Assignment _____

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

*Tie

Date: 2-16
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2395

Senate Transportation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Mutch Seconded By Espegard

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

Total (Yes) 3 No 2

Absent 1

Floor Assignment Trenbeath

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

REPORT OF STANDING COMMITTEE (410)
February 16, 2001 1:51 p.m.

Module No: SR-29-3698
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2395: Transportation Committee (Sen. Stenehjem, Chairman) recommends DO PASS
(3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2395 was placed on the
Eleventh order on the calendar.

2001 TESTIMONY

SB 2395

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NEXT FICHE



"J. Patrick Schmitt"
<pschmitt@minot.com>

02/07/02 02:34 PM

To: <amaragos@state.nd.us>
cc:
Subject: SB 2395 (window tinting)

Rep. Andrew G. Maragos
House of Representatives

Would you please present the following testimony, regarding SB 2395, to the Senate Transportation committee. They are holding a hearing on this bill in the Lewis & Clark room at 10 a.m. on Friday, February 9th. If you are unable to so, please file it with the chair of that committee, Sen. Bob Stenehjem. Whatever you can do is deeply appreciated. Thank you! Pat Schmitt

Chairman Stenehjem and Members of the Transportation Committee:

My name is Patrick Schmitt and I am a retired educator from Minot. I wish to record my opposition to SB 2395. If this bill is passed it will allow front side windows on vehicles to be tinted to a light transmittance of 35% which is a substantial darkening from the current allowed 70% light transmittance. I am opposed for the following reasons: 1) It prevents eye contact with other drivers at intersections and obscures signals to each other (Frequently, at four-way stop signs, drivers signal each other to go ahead). Eye contact is very important at intersections because one can better read what the other driver intends to do. 2) Visibility is greatly restricted for the driver, especially at night when there is so little outside light to be transmitted. This can be a real safety issue when approaching railroad crossings, intersections and in siting pedestrians at crosswalks. 3) Tinting windows to the extent this bill would allow, will place our police officers in even greater jeopardy, especially at night, as they approach vehicles they cannot possibly see into. Remember, our State Troopers and most other law officers work alone and we should not do anything to compromise their safety. As the parent of an officer who patrols our highways, I believe this legislation will only make their job more difficult and certainly more dangerous. I urge you to send this out of committee with a "do not pass" recommendation. Thank you for the opportunity to present my views.

Patrick Schmitt
809 15 1/2 Avenue, SW
Minot, ND 58701
Tel: 839-7039
E-mail: pschmitt@minot.com

SENATE BILL NO. 2395
Transportation Committee
February 9, 2001

Mr. Chairman and transportation committee members;

My name is Captain Jeff Balentine from the Minot Police Dept. I'm here this morning to speak in opposition to Senate Bill # 2395. This bill deals with the tinting of Drivers front side windows of vehicles in the state. Currently the ND state law requires not less than 70% total light transmittance.

The first concern I have with this bill is the safety of the public with people who are driving with 65% tinting to their windows. North Dakota has reduced hours of sunlight for much of the year because of our geographical location. Add the unfavorable weather conditions that North Dakota has to offer and you have alot of days with reduced light. Add tinting to the front drivers side windows and you have I believe a greater safety concern for other drivers and pedestrians. We rely on our peripheral vision to keep us safe from side impacts which I believe would be diminished if we allow tinting to the front drivers side windows: In defensive driving we are taught to observe the driver and other occupants of the vehicle to make a decision to make a movement. If you cannot see the other driver or occupant you don't know if they are paying attention or not. I have sat in vehicles that have had more than 50% tinting to the drivers side windows at night and I found it to significantly reduce my ability to see objects on the sides of the vehicle.

This bill proposes not less than 35% total light transmittance. This is a grave safety concern for law enforcement. I have taught low and high risk traffic stops at the law enforcement academy for the past 10 years. Notice we use low and high risk in teaching law enforcement officers on traffic stops. There is no such thing as routine traffic stops in law enforcement. All traffic stops are a RISK to the officer making them. The officer has to make an assessment to the degree of risk he/she is facing

SENATE BILL NO. 2395
Transportation Committee
February 9, 2001

given all the circumstances known to him/her at the time of the traffic stop. The officer faces a no-mans land between his/her vehicle and the violators vehicle were he/she is extremely vulnerable. They have to use all their training skills and senses in approaching vehicles. The most relied upon sense is sight, to be able to watch the occupants and driver as you approach the vehicle. This proposed change in the law would severely limit the officers ability to see into the vehicle and making it even more dangerous for the officer. Yes, windows are tinted behind the driver which makes the approach dangerous but allowing tinting of the drivers windows makes it much more dangerous for the officer. We teach officers tactics to use on vehicles that have tinting on the windows back of the driver as well as vehicles that have no windows back of the driver but the theory is to put ourselves into a position to see the driver through his drivers window.

Traffic stops are an UNKNOWN risk lets not make them a greater UNKNOWN risk by passing this bill.

This bill endangers law enforcement officers and the public and I urge you to vote against this bill.

Thank you , and I would be happy to answer any questions you have for me.

2395
NORTH DAKOTA LEGISLATURE

Committee Meeting

February 15, 2001

Mr. Chairman and Members of the Committee:

We are here to ask you to please pass this amendment to allow a light film on the front side windows.

Many citizens are requesting this film. It can reduce 99.9% of the ultra-violet skin cancer rays. The Skin Cancer Foundation supports film on automotive windows.

North Dakota is one of only twelve states that don't allow film on the front side windows.

The surrounding states of South Dakota, Wyoming, and Montana currently allow film on these windows.

In addition to preventing skin cancer, the film reduces glare, absorbs heat and helps protect vehicle occupants from splinters of glass in vehicle crashes.

We genuinely appreciate your attention and consideration of this amendment that will assist the small family businesses.

Sincerely,



Herb King