

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1176

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Deanna G. Ball  
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10/2/03  
Date

2003 HOUSE TRANSPORTATION

HB 1176

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*Dorena G. Ballantyne*  
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10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1176

House Transportation Committee

Conference Committee

Hearing Date January 16, 2003

Tape Number	Side A	Side B	Meter #
1	x		1.5 to 32.3
2	x		wrk 32.1 to 44.2
3	x		wrk 4.4 to 37.9 end
Committee Clerk Signature <i>Louise...</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1176 a bill for an Act to amend and reenact section 39-08-09 of the North Dakota Century Code, relating to a notice of accident to law enforcement.

Rep. Grosz representing District 42 in Grand Forks spoke as sponsor for this bill. A copy of his prepared testimony is attached. In addition to his testimony he advised that Tim Dawson of the Legislative Council staff was preparing an amendment but that as of the hearing time the amendment was not available.

Rep. Weisz, Chairman Rep. Grosz, what is the rationale for setting the \$5000 limits in this bill?

Rep. Grosz The upper limit of the Small Claims court was used. Rep. Grosz urged favorable consideration of this bill. ( 3.2 )

Capt. Mark Bethke; Representing the North Dakota Highway Patrol spoke in support of HB 1176. Most of his remarks, he acknowledged would be about material in the proposed

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Page 2  
House Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date January 16, 2003

amendment which as noted above was not ready for this hearing. Dealing with the amendment first, in 2001 there were 3495 reportable car/deer collisions reported to the Department of Transportation. That is out of the total of 14,759 total crashes statewide or about 23% of all crashes. With the proposed amendment to this bill, it would cut down the amount of time for law enforcement in filing these reports with the Department of Transportation. Under the amendment proposal would be a self reporting procedure. The driver of the vehicle would be required to fill out the reporting form and report the accident himself/herself within a certain number of days to the Department of Transportation. This would allow the Department of Transportation to maintain records of the number of deer accidents which are occurring. We have discussed this with the Department of Transportation. In relating to the \$5,000 in this bill, the number of accidents which would require the law enforcement officers to be involved in would be greatly reduced. However for the Highway Patrol the majority of our crashes involve rural highways, higher speeds, and greater damage amounts. How many reporting cases that would be reduced --- it is very difficult to say but it would definitely affect the number.

Rep. Hawken, Vice Chairman How people know that they were to supposed to report these things? What would be the control over this if they were to do this on their own?

Capt. Bethke: (5.9) We did take a look at the State of Minnesota --- they have a crash reporting system very similar to what is being proposed here. There is expanded to a greater degree. Theirs deals with all types of property damage crashes not just deer related accidents. They have the crash reporting forms available all over the state and it is well publicized that these accidents must be reported within a certain number of days. There maybe a means of making the forms available on the internet system with instructions.

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Page 3  
House Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date January 16, 2003

Rep. Hawken, Vice Chairman also perhaps a places where you would get your vehicle fixed could furnish these reporting forms.

Rep. Ruby How about the insurance companies? Do they or would they furnish the data to the DOT?

Capt. Bethke: That report, once they filled it out would go directly to the DOT. No doubt the DOT would have some requirements as to how that form would include the required data -- but as to how the insurance companies would be involved -- I am not sure.

Rep. Schmidt: ( 7.5 ) More details please -- if going home Friday afternoon I hit deer in northern Kidder County -- what happens from there?

Capt. Bethke: Currently, either -- the law requires that if the damage is over \$1000 that you report that immediately-- in the majority of cases law enforcement respond to that scene -- if you are still located at that scene; but, in reality, in a number of these occasions currently someone strikes a deer --- it does damage to the vehicle yet the vehicle is drive able-- they may drive home and report the crash the next day or sometimes several days later if they realize they have a lot of damage. They call law enforcement and between them they set up a meeting date and take a look at the vehicle. In a lot of cases, for example -- the crash may have occurred outside of Bismarck and the person is now in Grand Forks. If the call comes in here we will call Grand Forks to have officer from that area respond to that call.

Rep. Schmidt I could go home from that site?

Capt. Bethke: Under the current law you are supposed to report it immediately and remain at the scene until an officer arrives. Under the proposed law you would not have to report that crash to law enforcement at all. You could go home and report that several days later.

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1/16/03  
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Page 4  
House Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date January 16, 2003

Rep. Bernsteine: ( 9.3 ) If the deer is salvageable I have always heard you had to have an accident report to be able to take it to a locker plant. What would be the procedure?

Capt. Bethke: The current law is that if they strike a deer, they may keep the deer to any location they want but they are required to have a permit to possess that game. That permit is available from law enforcement or the Game and Fish. I would suggest that under this proposed bill that if person wanted to keep that deer they would still have to get the permit to possess it.

Rep. Weisz, Chairman: What is your reason or rationale for wanting to make the car/deer accidents reportable? Why not make all property claims up to \$5,000 self reporting?

Capt. Bethke: We did look at that when we looked at the Minnesota system, but until we knew how the system worked, we would try it with the deer accidents which is a very sizable number to work with. Maybe if it worked out well, perhaps sometime in the future we may want to expand it to all types of claims. Nonetheless with a reduction of 23% of these reportable crashes being reduced it is significant aid to law enforcement.

Rep. Galvin: If you hit a domesticated animal, in some instances, there is a liability issue. Is there ever a circumstance where there is a liability hitting a deer ?

Capt. Bethke: Dealing just with the deer/vehicle collision-- I do not believe there would be. That is why we wanted this to deal with only the deer crashes so that other liability issue would not be impacted.

Capt. Hughes: (12.00) To add to Capt. Bethke's remarks I wish to point out that we have been talking of only property damage -- personal injuries must be reported. The other way that this helps the average citizen is that currently after a crash they call state radio and then way perhaps

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Page 5  
House Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date January 16, 2003

two hours for law enforcement to get to the scene. At two o'clock in the morning and it is cold out there like it is now -- not having to report this immediately is certainly an advantage.

Another way the information can get out is through state radio -- when people call in to report a crash -- after they get the details, state radio could tell them whether they or how they must report the data and it would be determined then whether there might be personal injuries or not.

It should be a real convenience to the citizens and also to law enforcement as law enforcement can query the information system for the necessary follow-up data. Overall I think it is a good procedure. As for whether the committee wants to settle on the \$5,000 or the current \$1,000 is something they will have to decide. There are very few if any states with a reporting requirement higher than \$1,000. I don't believe it is a waste of time to be checking car accidents -- it is one of the few times the citizens come in contact with the patrol and I think it is a good opportunity to be of service as well as a wonderful opportunity for some public relations on our part.

Rep. Ruby: Would you still be recording those calls at state radio even though you didn't respond to them?

Col. Hughes: All calls to state radio are recorded and documented. In a self reporting situation, if we did not respond to the call we would not need anything more than the reporting form reported to the DOT.

Rep. Schmidt: ( 17.6 ) Mark stated there was 34,000 (??) deer crashes, do you have a figure -- a dollar amount for these crashes?

Col. Hughes: Now or could they in the future? Rep. Schmidt -- now. --- well you could query the individual accident and may be some one has compiled this -- a lot of the problem with some those compilations may include other causes -- for example, a turkey crash could cause \$12,000

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Page 6  
House Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date January 16, 2003

damage. It is hard for people to determine how much the damage is when a grill is taken out how much the cost of the repairs might be.

David Sprynczynatyk, Director of the Department of Transportation appeared in opposition to HB 1176. A copy of his prepared testimony is attached.

Rep. Weisz, Chairman I do have a question, do you have any idea when we established the \$1,000 limit we now have?

David Sprynczynatyk: As I look around the room none of our staff seem to know.

Unidentified voice -- I remember that for years it was \$750 but I don't know when it changed.

We will find and let you know.

Rep. Bernstein: (27.0) Would your objection to this bill be lessened if the amount was reduced from \$5,000 to \$2,000?

David Sprynczynatyk: Yes our concern would be lessened but still feel \$2000 is still on the high side and we still need the information --- we can't readily assess how much \$2,000 would lessen the number of reports.

Rep. Ruby: You stated the accident data is used to evaluate the effectiveness of seatbelts, --in my experience, in accidents of this type, seatbelts and airbags aren't much of a factor.

David Sprynczynatyk: That's correct but even, if you will, in minor accidents we need to know if the airbags deployed and we are reporting that data to the federal government. It doesn't take much of an impact to set off the airbags and if you recall several years ago there was a great concern that airbags were causing deaths -- so the data is evaluated both ways as their effectiveness. So -- it is what can we learn from this so that we can report back to the public what is good, what is bad.

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Page 7  
House Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date January 16, 2003

Rep. Dosch: ( 29.5 ) Under this proposed procedure, if a deer is hit and the vehicle is able to leave to report it later, what happens to the deer? Is it left in the middle of the road for some else to hit?

David Sprynczynatyk: Our maintenance people often times get call to remove the deer. I imagine that the Highway Patrol causes that deer to be moved to the side of the road or removed.

Col. Hughes: I believe that people are going to call the crash in even if they are going to report it later. I think that is where education will come in and state radio will follow up. That is if there is no problem out there and your car is still drive able people will leave and if there is a problem they will call.

Dominic Bolesky: I wasn't planning to testify but one thing that comes mind is that 99.9% of the people can't determine the dollars estimate cost of repairs. They have no idea what I will cost. Another issue is that is people don't report the insurance companies don't pay. I believe the dollar amount should stay at \$1,000.

Rep. Weisz, Chairman having called for further testimony, there being none he closed the hearing on HB 1176. ( 32.3 )

**Tape 2 side A ( 32.1 )** Rep. Weisz, Chairman opened the discussion on HB 1176. There was much discussion as to whether antelope was classified the same as deer; Whether wildlife should be the proper classification of animals and whether wildlife included wild turkeys, pheasants, etc. as crashes with these do occur and do cause considrable damage. There was also dicussion as to whether the \$5,000 damage limit should be reduced to 1 or 2 thousand dollars. There were several amendments being drawn. Perhaps they would be available to the committee by the afternoon work session. Recessed until 2:30 pm.

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1/16/03  
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Page 8  
House Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date January 16, 2003

**Tape 3 side A (4.4)** Intern David Straley distributed copies of proposed amendments to HB 1176. Discussion followed. The questions of wildlife versus deer again entered into the discussions. Also discussed were questions whether any liability questions would waive, change or effect liability issues if there was not a law enforcement officer present at the crash site --- to determine fault, etc. Also the question of dollars limits was discussed again. There were several voice votes taken on each of these issues --- there were separate votes.

**Rep. Hawken:** ( 36.6 ) Moved to amend HB 1176 to reference 'deer' only and to remove the over strike and to remove the 5 to restore the \$1,000 limit: and a Do Pass as amended".

**Rep. Delmore:** Seconded the motion. On a roll call vote the motion carried 13 Ayes 0 Nays and 0 Absent. **Rep. Weiler** was designated to carry HB 1176 on the floor.

End of record ( 37.9 )

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Proposed amendments to Bill 1176...

*a non-domesticated*

Page 1, line 11, after the period insert "This duty to notify does not apply to a driver of a vehicle involved in an accident with a deer, unless the collision results in injury to or death of any person."

Page 1, line 16, after "accident" insert "or furnished in the driver's written report to the director for an accident involving a collision with a deer resulting in damage to no property other than the vehicle"

Page 1, after line 23, insert:

*wild life*

"SECTION 2. AMENDMENT. Section 39-08-10 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-10. Officer or driver to report.** Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident required to be reported as provided in section 39-08-09 either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, or every driver of the motor vehicle involved in an accident with a deer resulting in damage to no property other than the vehicle shall make and promptly forward to the director a report of the accident in a format prescribed by the director.

*involving wild life*

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*Diana M. [Signature]*  
Operator's Signature

*10/2/03*  
Date

30296.0102  
Title.0200

Adopted by the Transportation Committee  
January 16, 2003

VR  
1/17/03

HOUSE AMENDMENTS to HB 1176 htra 1-20-03

Page 1, line 1, replace "section" with "sections" and after "39-08-09" insert "and 39-08-10"

Page 1, line 8, remove the overstrike over "one" and remove "five"

Page 1, line 11, after the period insert "This duty to notify does not apply to a driver of a vehicle involved in an accident with a deer, unless the collision results in injury to or death of any person."

Page 1, line 16, after "accident" insert "or furnished in the driver's written report to the director for an accident involving a collision with a deer resulting in damage to no property other than the vehicle as required under section 39-08-10"

Page 1, line 23, insert:

**"SECTION 2. AMENDMENT.** Section 39-08-10 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-10. Officer or driver to report.** Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident required to be reported as provided in section 39-08-09 either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, or every driver of the motor vehicle involved in an accident with a deer resulting in damage to no property other than the vehicle shall make and promptly forward to the director a report of the accident in a format prescribed by the director."

Renumber accordingly

Page No. 1

30296.0102

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10/2/03  
Date

Date: \_\_\_\_\_  
Roll Call Vote #: \_\_\_\_\_

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1176**

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

*Amend line reduce to \$1 - to \$2*

Motion Made By

*Sec.*

Seconded By

*motion failed  
Voice Vote*

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Lois Delmore		
Kathy Hawken - Vice Chairman			Arlo E. Schmidt		
LeRoy G. Bernstein			Elwood Thorpe		
Mark A. Dosch			Steven L. Zaiser		
Pat Galvin					
Craig Headland					
Clara Sue Price					
Dan J. Ruby					
Dave Weiler					

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

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Operator's Signature

10/2/03  
Date

Date: 1/16/03  
Roll Call Vote #: 1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1176**

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 30296.0100

Action Taken Do Pass as amended

Motion Made By Rep. Hawken Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 13 No 0

Absent 0

Floor Assignment Rep. Weiler

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

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Dorinda Ball... 1/2/03  
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)  
January 20, 2003 9:44 a.m.

Module No: HR-10-0753  
Carrier: Weller  
Insert LC: 30296.0102 Title: .0200

**REPORT OF STANDING COMMITTEE**

HB 1176, as amended, Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1176, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "39-08-09" insert "and 39-08-10"

Page 1, line 8, remove the overstrike over "one" and remove "five"

Page 1, line 11, after the period insert "This duty to notify does not apply to a driver of a vehicle involved in an accident with a deer, unless the collision results in injury to or death of any person."

Page 1, line 16, after "accident" insert "or furnished in the driver's written report to the director for an accident involving a collision with a deer resulting in damage to no property other than the vehicle as required under section 39-08-10"

Page 1, line 23, insert:

**"SECTION 2. AMENDMENT.** Section 39-08-10 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-10. Officer or driver to report.** Every law enforcement officer, who in the regular course of duty investigates a motor vehicle accident required to be reported as provided in section 39-08-09 either at the time and at the scene of the accident or thereafter by interviewing the participants, or witnesses, or every driver of the motor vehicle involved in an accident with a deer resulting in damage to no property other than the vehicle shall make and promptly forward to the director a report of the accident in a format prescribed by the director."

Renumber accordingly

2003 SENATE TRANSPORTATION

HB 1176

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10/2/03  
Date



2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1176

Senate Transportation Committee

Conference Committee

Hearing Date 3-13-03

Tape Number	Side A	Side B	Meter #
1		B	2695-4130
2	X		1625-2170
Committee Clerk Signature <i>Mary K. Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbath** opened the hearing on HB 1176 relating to a notice of accident to law enforcement.

**Representative Mike Grosz** (District 42) introduced HB 1176. The current bill is not at all like the original bill but he has no problems with the added language. The original bill moved the \$1000 reportable limit up to \$5000 to correspond with small claims court.

**Francis Ziegler** (Director of Project Development, ND DOT) See attached testimony in support of HB 1176 and proposed amendment allowing for a \$50 fine for violating section 39-08-10 as amended by this bill. Informed the committee what the DOT does with the information reported to them concerning deer crashes. It is analyzed to try to find the high incident locations. They put up deer crossing signs to alert people to be more aware. They try to use different styles and types of deer mirrors. DOT is now in a national study to look at ITS applications to try to detect

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Page 2  
Senate Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date 3-13-03

animal movements in the right of way. The ND Game and Fish also uses the same information to see if anything can be changed to get the deer crossing changed or eliminated.

Senator Trenbeath stated that he had two amendments and asked which amendment was being proposed.

Francis Ziegler answered that their legal department had suggested that there were two ways to accomplish their goal and so two amendments were offered to be considered.

Senator Espegard commented on reporting deer accidents and being charged for not reporting.

Francis Ziegler responded that the intent is to try to get the data so the department can responsibly try to do something about the deer crossing and make the public more aware of it.

Senator Nething asked if these amendments were offered to the House.

Francis Ziegler answered that they were not.

Senator Nething asked if there was a reason that they were not.

Francis Ziegler responded that, after the department studied it more, it became apparent that their data would be very much compromised.

Senator Taylor asked for clarification to when deer accidents need to be reported.

Francis Ziegler replied that it is only in excess of \$1000.

Senator Espegard asked how a person reports the accident.

Francis Ziegler said that they would develop a process to do that. Possibly a report form would be sent out with the car license.

Senator Trenbeath asked if they would obligate body shops not to repair vehicles unless they were demonstrated that they had been reported.

Francis Ziegler answered that was a discussion that they had.

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Page 3  
Senate Transportation Committee  
Bill/Resolution Number HB 1176  
Hearing Date 3-13-03

Senator Espgaard asked if a report to the insurance company would suffice for the report.

Francis Ziegler said he believed it would.

Neil Johnson (ND Highway Patrol) Testified in support of HB 1176. Currently any car/deer crash resulting in property damage of \$1000 or more requires notification to law enforcement. Crash investigations involve several levels but typically a car/deer crash does not go beyond the reporting phase. The driver simply meets with the law enforcement officer to give him his drivers license and registration information so it can be forwarded to the DOT. This bill would allow the driver to forward the report directly without having to wait for law enforcement to respond to the location. Currently failure to report a property damage accident, even a car/deer crash, resulting in \$1000 or more, is a penalty of \$50 and 6 points against the drivers license. They felt that without addressing some type of penalty here, it would fall under the general provisions of a violation of Title 39 which would be an infraction and could go up to \$500. As a result, they support the \$50 fee for failing to report.

The hearing on HB 1176 was closed.

Senator Espgaard moved a Do Not Pass. Seconded by Senator Mutch. Roll call vote 4-1-1.

Floor carrier is Senator Mutch.

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*Dorena Hall*  
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Date

Date:  
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1176

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass

Motion Made By Senator Espgaard Seconded By Senator Taylor

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch		✓			
Senator Dave Nething					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Senator

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

reconsidered

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Diana Ballarín  
Operator's Signature

10/2/03  
Date

Date: 3-13-03  
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1176

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do not pass

Motion Made By Senator Espgaard Seconded By Senator Mutch

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor		✓
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 4 No 1

Absent 1

Floor Assignment Senator Mutch

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

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Dorena Holmquist Operator's Signature 10/2/03 Date

**REPORT OF STANDING COMMITTEE (410)**  
March 13, 2003 1:15 p.m.

Module No: SR-45-4680  
Carrier: Mutch  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1176, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)  
recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1176 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-45-4680

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*Dorinda G. Ballantyne*  
Operator's Signature

10/2/03  
Date

2003 TESTIMONY

HB 1176

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Deanna G. Ballantyne  
Operator's Signature

10/2/03  
Date

**HOUSE TRANSPORTATION COMMITTEE**  
**January 16, 2003**

**North Dakota Department of Transportation**  
**David A. Sprynczynatyk, P.E. Director**  
**HB 1176**

Good morning, Mr. Chairman and members of the committee. I'm David Sprynczynatyk, Director of the North Dakota Department of Transportation. I'm here on behalf of the department to testify in opposition to HB 1176, which would increase from \$1,000 to \$5,000 the threshold for reporting property damage crashes of automobiles.

NDDOT's mission is to provide a transportation system that safely moves people and goods. Increasing the crash reporting threshold to \$5,000 would diminish our ability to provide a safe system. The purpose of reporting crashes goes beyond the economic aspects of setting a minimum reporting level. The primary reason for reporting crashes is to improve the safety and efficiency of the transportation system. North Dakota's current threshold of \$1,000 is one of the highest in the nation.

It's true that increasing the threshold for reportable accidents from \$1,000 to \$5,000 would reduce the department's workload. We estimate that the change would require us to process 68 percent fewer crash reports. In 2001, North Dakota had 14,759 reportable crashes with more than \$1,000 in property damage.

However, there are other factors that outweigh the benefits of this bill. Some of the reasons we oppose the proposed legislation include the following:

- The data used to plan and develop safety improvements would be greatly reduced. Without valid crash information, projects such as traffic signals, intersection flashing beacons, rumble strips, roadway lighting, delineation, traffic control signing, sight distance improvements, roadway slope flattening, improving roadway alignments, and removing obstacles near the roadway may be difficult to justify until a serious reportable crash occurs. For instance, we use crash information to justify a third of all traffic signals and 100 percent of all intersection flashing beacons and intersection rumble strips. The lack of safety data might result in a more reactive, rather than proactive, approach to incorporating safety improvements.
- The lack of safety data might also hinder the department's response to private citizen and local government requests for safety improvements. If all the crashes at a site were under the reporting threshold, we would have no record of those crashes.
- The lack of safety data would make it more difficult to evaluate the effectiveness of vehicle safety features such as seat belts and air bags. It would also reduce the safety-related information available on different vehicle types.
- A motorist involved in a crash not reported by a police officer may have problems getting compensated by his or her insurance company if the company requires a copy of the police crash report to process the claim. Many vehicles in the state are valued under \$5,000; if such a vehicle were involved in a crash without an injury, the crash would not have to be reported, even if the vehicle was totaled.

Page 1 of 2

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*David A. Sprynczynatyk*  
Operator's Signature

10/2/03  
Date



This bill would have no fiscal impact on NDDOT; we would transfer unused safety construction funds to other programs. However, there could be potential impacts for local governments. Currently a safety project requires a 10 percent local match, whereas a regular federal aid project requires a 20 percent local match. If the department, based on available crash data, could not justify a \$110,000 signal as a safety project, the local match requirement would increase from \$11,000 (10 percent of the cost) to \$22,000 (20 percent of the cost).

We are aware of the need to streamline deer-related crashes, and we would be receptive to a streamlined approach for citizen-reported deer crashes. Minnesota uses a citizen-based reporting method, and we would be willing to consider a similar method.

Mr. Chairman, that concludes my testimony. I would be happy to try to answer any questions the committee may have.

Page 2 of 2

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*Dorinda H. Smith*  
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10/2/03  
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**House Bill 1176**

Thank you Mister Chairman and members of the House Transportation Committee. For the record, my name is Rep. Mike Groez from District 42 in Grand Forks. House Bill 1176 will raise the reportable limit on motor vehicle accidents. I have submitted this legislation on behalf of a constituent, Sergeant Thomas Brockling of the University Police Department in Grand Forks. According to him, law enforcement officials most often are simply statisticians for these accidents. As you all know, it doesn't take much of an accident to create \$1,000 of damage to a motor vehicle, so these law enforcement officials are using their time to report on almost every dent that occurs. I believe our law enforcement officials have more important work to be doing rather than keeping statistics. However, I have met with the Transportation Department, and realize their concerns on getting the information, so they are able to take the necessary steps to decrease future accidents. I'm not sure what the answer is on this issue, but I hope that this bill can be used to generate the discussion to find the answer.

I have also talked with the Highway Patrol, and they have asked me to provide an amendment onto this bill to allow private citizens with the authority to report accidents with deer. I believe they will testify on the benefits of this amendment.

Thank you, Mister Chairman, and I would be happy to answer any questions you may have.

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**SENATE TRANSPORTATION COMMITTEE**  
**March 13, 2003**

**North Dakota Department of Transportation**  
**Francis Ziegler, Director of Project Development**

**HB 1176**

Good morning, Mr. Chairman and members of the committee. I'm Francis Ziegler, Director of Project Development for the North Dakota Department of Transportation. I'm here on behalf of the department to testify in favor of Engrossed HB 1176 relating to reporting accidents to law enforcement officials.

We support maintaining the \$1,000 property damage threshold for reporting an accident to a law enforcement official. Maintaining that threshold will enable the department to continue collecting valid safety data that is used to plan and develop safety improvements.

The department agrees that the mechanism for reporting deer crashes needs to be streamlined. We agree with the provision of HB 1176 that requires a driver of a vehicle involved in a crash with a deer to report the crash to a law enforcement officer if it injured or killed any person. The fine for violating this provision is \$50.

We are concerned about the lack of an appropriate penalty for the driver of a vehicle who fails to furnish a written report to the NDDOT director for a crash involving a collision with a deer that results only in damage to the vehicle. Our concern is that without an appropriate penalty, many damage-only deer-related crashes will not be reported. In 2002, a total of 3,758 crashes -- 47 percent of all crashes occurring in rural areas -- were deer crashes. The public expects the department to deal appropriately with high-accident deer locations. Without reliable data, we will be limited in our ability to respond to the public's expectations.

To encourage drivers to report damage-only deer crashes, the department would like to offer an amendment allowing for the assessment of a \$50 fine for violating section 39-08-10 as amended by this bill. The proposed amendment is attached.

With inclusion of the proposed amendment, the department supports Engrossed HB 1176.

Mr. Chairman, that concludes my testimony. I would be happy to answer any questions.

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*Francis Ziegler*  
Operator's Signature

10/2/03  
Date

**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO.1176**

Page 1, line 2, after "enforcement" insert "; and to provide a penalty"

Page 2, line 12, after the period insert "Every driver of a motor vehicle involved in an accident with a deer who fails to forward the required report within ten days of the accident must be assessed a fee of fifty dollars."

Renumber accordingly

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10/2/03  
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**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO.1176**

Page 1, line 2, after "enforcement" insert "; and to provide a penalty"

Page 2, line 10, remove "or every driver of the motor vehicle involved in an"

Page 2, line 11, remove "accident with a deer resulting in damage to no property other than the vehicle"

Page 2, line 12, after the period insert "Every driver of a motor vehicle involved in an accident with a deer resulting in damage to no property other than the vehicle shall make and forward to the director, within ten days of the accident, a report of the accident in a format prescribed by the director. Every driver of a motor vehicle involved in an accident with a deer who violates this section must be assessed a fee of fifty dollars."

Renumber accordingly

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