

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1270

2005 HOUSE TRANSPORTATION

HB 1270

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. 1270

House Transportation Committee

Conference Committee

Hearing Date January 20, 2005

Tape Number	Side A	Side B	Meter #
3	X		33.4-52.4
4	X		0-5.2, 16.2-18.7

Committee Clerk Signature



Minutes:

Chairman Weisz opened the hearing on HB 1270 A Bill for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to the use of the receiver hitches; and to provide a penalty.

Rep. Klein: My constituents have asked me to submit this bill. There have been some amendments added by Senator Tallackson. Basically people are considerate enough to remove the hitch that sticks out on their extended pickup. This gentleman backed up an run it into his grill, radiator and air conditioner. He called me to do something about this. This is why I am submitting this bill. It is a very simple bill. As long as the hitch is in use, that should not be a problem. It is when the hitch is not in use that we want people to remove it. Sometimes, if people don't remove it someone will steal it. Also people have been hitting their knee on it in the parking lot. It is a problem I believe this committee can take care of. I have talked to the insurance department and the highway department and they haven't kept record of this incident.

Rep. Ruby(36.8) I was just going to ask Rep. Klein that people that are worried about doing damage they should remove it. It is not necessary to go to the extend that it is against the law to have this device. I pull trailers and keep the hitch in most of the summer. I took it out just before I came down here. Because of that very reason, I did not want to watch in the parking lot if I am back up or walking into the hitch. Not sure it sure be a law and you are worrying about getting pulled over by the cops. We are passing a law for common sense.

Rep. Weiler(38.4) What are the penalties.

Rep. Klein: The existing penalty is \$25. Repeat offense is \$50.

Sen. Tallackson:(39.0) (see attachment amendment) It does require people to remove the trailer hitch when it is not in use. A friend of mine has had his stolen three times. That is another problem. I amendment would include a person with a non-removable hitch also. they will be required to remove it by July 31, 2006. The amendment would except construction contractors. I ask for a do pass. I would like the committee to seriously consider the amendment too.

Chairman Weisz Is there any more questions? Is there any more support. Is there any opposition?

Duane Wahl:(43.6)D&S Auto on the strip. We sell trailers and hitches. Should it be illegal? Number one question is the enforcement aspect of it. Are we going to become the state to someone comes to visit from out of state and we are the only one does this. Is this a national thing; are there any other states that have something like this? People going through the state are going to get ticketed because they will not be aware of it. Are we going to become known for nickel and dime things. This gentleman that wanted the bill; if this hitch did this much damage, it sounds like the guy was going hard and fast. Maybe without the hitch the damage would have

been very severe anyway. Weather in North Dakota may cause problems with getting a hitch out after being used when there is a lot of snow and it could be frozen on. The next day maybe would forget to do it the next day. I don't think we need a law.

Rep. Thorpe(48.9) I was thinking about the city of Minot has the national association of trailer homes and motor homes that come to town for a meet. That would be hard to enforce. Duane, that would make you a lot of money taking off hitches.

Duane Wahl: Some bumpers are made to put a ball on. Most bumpers are the wrong height. The average in the industry is 18" from the ground to the ball mark. If it is higher than that you can't hook up to most trailers and they will ride wrong, if you can. The situation is, yes, I will make money off this bill along with other people to do it. I still don't think it is practical.

Rep. Thorpe When people come into town and park those trailers, I have seen a lot of them with the hitch on the back. Those people will be in violation and get picked up and those people very likely, will not come back to our state either.(52.4)

Tape 4 Side A 0-

When they bump into the back of them, if that trailer hitch is on there, it doesn't stop them. It will go right underneath of there.

Duane Wahl: Maybe I should do this quick so I don't get arrested. I measured different cars on the way in here; at 18" it pretty much catches every bumper I measured here. In fact my ball height is approximately 17.5". There is occasionally a trailer I can't hook up to. Lift kits for pickups are a very dangerous height.

Rep. Meyer(1.2) Duane, give up the approximate cost of taking of the permanent hitch and putting on a ball hitch.

Duane Wahl: said \$100 for hitch, ball mount is \$20; material wise you are probably looking at \$150-\$175. Labor is probably \$80. Less than \$300 you could have this installed.

Chairman Weisz (2.1) Any other opposition to HB 1270?

Joe Carlson:(2.2) I am retired; worked for the state for 35 years. 11.5 was with the highway patrol and another 20 or better years with DOT. We had very progressive legislation over the years, but I do not look at this as being progressive. We spend a great deal of money on tourism and take pride in that. We encourage the people to bring their campers in here etc. If they come in here and unhook anything and don't take that hitch off they are going to be in violation. I have a son that lives in Minnesota and they don't have that there. Another problem are those from the rural communities you have allot of farmers and rancher situations. I am sure they will not be happy about this. It is not cheap and I am sure it very unnecessary. As far as the receiver hitch, I probably would take it off because I don't want someone to run off with it.

Wade Moser, ND Stockman's Assoc. I think allot of the comments that Duane made we would like to echo that. Farmers and ranchers would have a problem with this. They would not pull that hitch off to go from field to field.

Chairman Weisz (5.0) Anyone else here in opposition of HB 1270.

Closed hearing (5.2).

Rep. Kelsch(16.5) Had someone else offer a further amendment. Side mirrors because people walk into side mirrors all the time. He said he is more guilty of walking into side mirrors than into hitches. I told him he should walk more responsibly.

Motion made by Rep. Kelsch Seconded by Rep. Weiler Carrier: Rep. Bernstein

DO NOT PASS 14 yes 0 No 1 Absent (18.7

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1270

Page 1, line 6, after the first "a" insert "motor" and after "that" insert "receives a ball mount that"

Page 1, line 7, after the first "the" insert "length of the motor", replace the first "hitch" with "ball mount", and replace the second "hitch" with "ball mount"

Page 1, line 8, replace "used for" with "in use" and after the period insert "After July 31, 2006, a person may not operate a motor vehicle with a ball mount that is not removable and which extends beyond the motor vehicle to which the ball mount is attached unless the vehicle is primarily used by an independent contractor for the transportation of construction-related items. A ball mount is the portion of the hitch to which a ball is attached and which is used to couple a motor vehicle with a trailer."

Renumber accordingly

Date: *1-20-05*
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *1270*

House **Transportation Committee**

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Not Pass*

Motion Made By *Rep Kelack* Seconded By *Rep. Weiler*

Representatives	Yes	No	Representatives	Yes	No
Rep. Weisz - Chairman	✓		Rep. Delmore	✓	
Rep. Hawken - Vice Chair.	✓		Rep. Meyer	✓	
Rep. Bernstein	✓		Rep. Schmidt	✓	
Rep. Dosch	✓		Rep. Thorpe	✓	
Rep. Iverson	✓				
Rep. Kelsch	✓				
Rep. Owens	<i>Abst</i>				
Rep. Price	✓				
Rep. Ruby	✓				
Rep. Vigasaa	✓				
Rep. Weiler	✓				

Total (Yes) *14* No *0*

Absent *1*

Floor Assignment *Rep Bernstein*

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

REPORT OF STANDING COMMITTEE (410)
January 20, 2005 4:37 p.m.

Module No: HR-13-0808
Carrier: Bernstein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1270: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS
(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the
Eleventh order on the calendar.