

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1445

2007 HOUSE TRANSPORTATION

HB 1445

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1445

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01-26-2007

Recorder Job Number: 2072

Committee Clerk Signature

Lisa M Thomas

Minutes:

Chairman Weisz opened the hearing on HB 1445. All Representatives were present.

HB 1445 relates to equipment of registered off-highway vehicles; and operation of off-highway vehicles.

Rep. Nelson introduced the bill. See written testimony.

Rep. Weisz: Would the driver of the ATV have to be a licensed driver?

Rep. Nelson: That is current law. In this legislation, to legally operate these vehicles, you have to be a licensed driver and they have to be registered and licensed by Parks and Rec.

Rep. Gruchalla: I am sure you have looked at this before, but in order to operate on a roadway in North Dakota, a vehicle has to meet certain requirements and has to have headlights, turn signals, brake lights, etc, and does this law circumvent that law?

Rep. Nelson: My intent is that it conforms the ATV's to the motorcycle laws that have the same requirements. In the conference committee, the outcome of the last session, those safety requirements were taken out, so as of today, you don't have to have those safety requirements to legally operate on the road would strengthen the safety requirements in my opinion.

Rep. Gruchalla: Don't they have stamped on them, "for off-road use only"?

Rep. Nelson: I think some do, and there are a number of tires that you can buy. I would defer that to someone in the industry.

Robert Wokal, Heritage Auto, spoke in support of the bill.

Wokal: I have some pamphlet's here to pass around. See written testimony and binder.

We have mini-trucks that we have that we would like to get licensed. It is a four-wheel drive truck that comes from Japan. They are built for Japanese roads and highways and they come with all of the features for on-road. Seatbelts and turn signals, front disc brakes, wipers, everything you need for a safe vehicle. They are not an off-road vehicle, as we receive them. They come with light-truck radial tires. We have signatures on the support for these. See *attached testimony. Also, see testimony from Lynn Peterson of R&L Construction.*

Rep. Owens: Do these have seatbelts?

Wokal: Yes, they have lap and shoulder belts.

Rep. Thorpe: What are the specifications that prevent motor vehicle from licensing these?

Wokal: I have tried to apply for licensing and I don't understand why, but they said that they are for off-road use only when I did apply. They do come over as a work truck. The actual bill of lading that says they are a self-propelled work truck or non-electric work truck operates or ride. They are right hand drive.

Rep. Thorpe: What is the maximum speed of travel with these?

Wokal: They would be around forty-five miles per hour.

There were no further questions from the committee.

Chairman Weisz allowed opposing testimony at this time.

Annette Caldwell, Off-road Honda, spoke in opposition to the bill. See written testimony.

Tanya Wisnewski, ND Safe kids, wanted to state for the record, the organizations opposition to the bill.

Paul Sanderson, State Farm Insurance, spoke in opposition to the bill.

Sanderson: We were in opposition to this bill last session as it stood, we agreed to the compromise of forty five because it was restricted to very few highways. Sixty-five is unreasonable and unsafe and dangerous to have these vehicles on the highways at those speeds when you consider, even with the safety equipment, semis coming at you, it is dangerous.

Chairman Weisz allowed for neutral testimony on HB 1445 at this time.

Keith Magnusson, ND DOT, spoke regarding the bill to provide information.

Magnusson: We are a safety agency. Last time we opposed a particular bill, this time we don't have a position on it. We encourage you to look at safety when you decide what you are putting on the roads. There are statistics that since the last session, that injuries and fatalities have gone up and we have more on the road. The other issue, addressing the gentleman from Bowman, who wants to be a dealer in these mini-pickups, that is one range of off-road vehicle. Those vehicles are imported without US DOT sticker so they are imported as agricultural vehicles so we register them as off-road vehicles. We can't register them to be on the roads because the U.S. DOT won't certify them.

Rep. Nelson: I would be open to amendments regarding the safety requirements.

There was no further testimony. The hearing was closed. There was no action taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1445

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 02-08-2007

Recorder Job Number: 3119

Committee Clerk Signature

Diana M Thomas

Minutes:

Chairman Weisz allowed committee discussion on HB 1445. All representatives were present. HB 1445 relates to equipment of registered off-highway vehicles.

The committee reviews the amendments at this time.

Rep. Weisz: These amendments address the issue that was raised by Annette Caldwell. She did see these amendments and the objection that they had with the bill that was based on the current language that is in the bill, she said that the motor sports dealers have no objection to the bill from the stand point of their concern with the safety equipment. The original bill that we had is on all non-interstate highways and this committee amended it to be all two lane roads and that is what passed the house last session. Obviously, you have to have a driver's license of you can't drive. Currently, you can drive on any road with a speed limit of forty five miles per hour or less. You don't need any safety equipment. That was taken out.

Rep. Price moved to adopt the amendments. Rep. Kelsch seconded.

Voice vote: 13 yes. 0 no. 0 absent.

Motion carries and the amendments are adopted.

Rep. Thorpe: I gather on the amendments that the necessary safety equipment is listed here so that would meet the same requirements as the larger highway vehicles?

Rep. Weisz: Not exactly. He was just going to reference that section, but there are a couple of things in the motorcycle section that reference to a gear shift indicator, but as far as tail lights, turn signals, headlamps, all of that is identical to the motorcycle. This spells it all out. There was concern about small ATV's and limited to a minimum of a 350 cc's. I can drive a 90 Honda down the highway legally. It isn't going to go over forty miles per hour. So I questioned why we determined the two different, but again, we have an amended bill in front of us.

Rep. Gruchalla: From the Safety Vehicle Institute of America, it says that ATV's are designed manufactured and sold for off-road use only. On road vehicles must be manufactured and certified to comply with U.S. DOT safety standards. These safety standards consist of extensive and detailed compliance. They are not to be used on roads. They are built with special off-road tires.

Rep. Schmidt moved a DO PASS AS AMENDED. Rep. Owens seconded.

Roll call vote: 6 yes. 7 no. 0 absent.

Motion failed.

Rep. Gruchalla moved a DO NOT PASS AS AMENDED. Rep. Kelsch seconded.

Roll call vote: 7 yes. 6 no. 0 absent.

Carrier: Rep. Gruchalla

House Amendments to HB 1445 (70638.0101) - Transportation Committee 02/08/2007

Page 1, line 8, replace "be registered," with "operate", after "vehicle" insert "on a paved highway or gravel, dirt, or loose surface roadway under subsection 1 of section 39-29-09, the off-highway vehicle", and replace "meet the equipment" with "be equipped with a mirror in compliance with section 39-27-09, a horn in compliance with section 39-27-15, a speedometer and odometer in compliance with section 39-27-16, a brake light, a lighted headlamp in compliance with section 39-27-17.1, and a motor of at least three hundred fifty cubic centimeters."

Page 1, remove lines 9 and 10

Renumber accordingly

Date: 2-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. _____

House Transportation

1445

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Adopt. Amend- Voice Vote

Motion Made By

Price

Seconded By

Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Welsz			Rep. Delmore		
Vice Chairman Ruby			Rep. Gruchalla		
Rep. Dosch			Rep. Myxter		
Rep. Kelsch			Rep. Schmidt		
Rep. Owens			Rep. Thorpe		
Rep. Price					
Rep. Sukut					
Rep. Vigesaa					

Total Yes _____ No _____

Absent

Motion pass

Floor Assignment _____

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

Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. _____

House Transportation

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded by

[illegible]

Total	Yes
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No

Absent

Floor Assignment

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

Date: 2-8-07
Roll Call Vote #: 353

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. _____

House Transportation

1445

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Not Pass As Amended

Motion Made By

Gruchalla

Seconded By

Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz		<input checked="" type="checkbox"/>	Rep. Delmore		<input checked="" type="checkbox"/>
Vice Chairman Ruby	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Gruchalla	<input checked="" type="checkbox"/>	
Rep. Dosch	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Myxter	<input checked="" type="checkbox"/>	
Rep. Kelsch	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Schmidt		<input checked="" type="checkbox"/>
Rep. Owens		<input checked="" type="checkbox"/>	Rep. Thorpe		<input checked="" type="checkbox"/>
Rep. Price	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Sukut	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Rep. Vigesaa	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total Yes

7

No

6

Absent

Floor Assignment

Gruchalla

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

REPORT OF STANDING COMMITTEE

HB 1445: Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1445 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "be registered," with "operate", after "vehicle" insert "on a paved highway or gravel, dirt, or loose surface roadway under subsection 1 of section 39-29-09, the off-highway vehicle", and replace "meet the equipment" with "be equipped with a mirror in compliance with section 39-27-09, a horn in compliance with section 39-27-15, a speedometer and odometer in compliance with section 39-27-16, a brake light, a lighted headlamp in compliance with section 39-27-17.1, and a motor of at least three hundred fifty cubic centimeters."

Page 1, remove lines 9 and 10

Renumber accordingly

2007 SENATE TRANSPORTATION

HB 1445

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1445

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5154

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Gary Lee opened the hearing on Engrossed HB 1445 relating to equipment of registered off-highway vehicles; relating to the operation of off-highway vehicles.

Representatives Weisz introduced Engrossed HB 1445 he said that this bill allows DOT to license these ATV to operate these vehicles on the highway, excluding four lane highways or interstate systems. These vehicles must be equipped with the safety equipment listed in Section 1. You have to be a licensed driver to ride on the highway. He explained how important this could be for rural ND. Any city can pass an ordinance that would ban these ATV from the cities, if this is a concern. He explained that these are utility vehicles. He urged the committee to pass this bill.

Senator Potter asked if we should add an amendment to add that they have to be a licensed driver.

Rep. Weisz said that it is already in code.

Senator Fiebiger asked why in section 2 we are proposing that the speed limit go from 45 to 65.

Rep. Weisz said the reason it raised the speed limit was that it allows them to drive on the state highways.

Senator Fiebiger asked if we really wanted them on the highway and are they designed to be on highways.

Rep. Weisz said that question came up in the House also. We currently allow dirt bikes that are not as visible and half the size and they are legal to drive on the highway as long as they have their safety equipment. We also allow bicycles. South Dakota has allowed this for the last 6 - 8 years.

Senator Nething said that two years ago we expanded this driving of ATV to the ditch, part of the reason for letting them drive in the ditch was to keep them off the roadway because you couldn't see them and they didn't travel fast enough. They were concerned about automobiles overtaking them because of the speed difference. What has changed? Seems to me it was a danger last time to have them on the roadway and it is a danger this time.

Rep. Weisz respectfully disagree that it is a danger to have them on the road. There is a speed difference but we allow all kinds of vehicles on the road. As far as visibility the ATV is way more visible than a motor cycle. And ten times more visible than a bicycle that doesn't have to be licensed, doesn't have to have a licensed driver or safety equipment.

Senator Nething said let's not compare it to other vehicles let's just address this vehicle. Is there or is there not a hazard because of the speed differential?

Rep. Weisz said he didn't believe there was. There is nothing now that says every driver has to drive within a speed.

Senator Bakke asked how fast these vehicles go.

Rep. Weisz said that his goes 65MPH. Typically they go about 45 MPH.

Senator Bakke asked about insurance.

Rep. Weisz said that they need liability insurance.

Senator Lee said dealing with the Section on off-highway vehicles, part of the definition says, "Vehicle not designed for use on Highway." How does this bill fit with that definition?

Rep. Weisz said that just because we have given them a definition for off highway doesn't mean they can't be both and that is what this bill is saying. We already allow off road. Also, generally off road doesn't have the safety equipment.

Senator Andrist said that most ATV vehicle accidents happen in the ditch, so he is somewhat sympathetic but wanted to know what the House did with the bill.

Rep. Weisz said that the problem that came up in the House on the original bill was the way we addressed the safety equipment that was required. The bill would have required the safety equipment on every off road vehicle regardless if they wanted to register to be on the highway or not.

Senator Andrist said that he was a bicycle rider. Are bike's illegal because they have no safety equipment.

Rep. Weisz said that is his point, they are perfectly legal.

Senator Bakke said that the sponsors are seeing the reason for this bill is for farmers and ranchers, but don't you think it will lead to more recreational use on the highways.

Rep. Weisz said no. These vehicles will be used as a utility. If the committee thinks there is an issue on 4 lanes it could be amended to exclude any multi-lane highways.

Robert, Heritage Auto Center, Bowman, ND testified in support of Engrossed HB 1445. He said he had a business in Bowman and they sell Japanese mini-trucks. They are a 4-wheel drive vehicle and they come right off the street in Japan. They are the size of an S-10 pickup. They can haul up to 1000#. They are classified as an off road vehicle but we would like to be able to license these. He presented a petition that was signed by people in their area. He also

handed out a letter and read it from Lynn Peterson, R & L Contracting, encouraging the licensing of these vehicles.

Senator Andrist asked if this bill would make it legal to ride on the highway but would it make it so you could license the vehicle.

Robert said right now they are not legal to license because they are designated as off road vehicles. The bill 1445 would put them in the class that they could be licensed.

Annette Behm-Caldwell, Open Road Honda and Vice President of North Dakota Powersport Dealer Association testified in support of Engrossed HB 1445. Her written testimony is enclosed.

Senator Fiebiger asked about the tires and whether they can be used on and off road.

Annette said in her parts catalog there are many size tires and are adapted to any use from badland driving to pave lot riding. The difference with the ATV tires is they are not as hard as a car tire and they are going to wear out faster. They wear through the tires faster but there are no safety issues.

Senator Bakke asked if Hondo advocates the use of ATV on roads.

Annette said they do not advocate highway driving. The number one reason is that Honda wants to protect itself from lawsuit.

Senator Bakke asked, so these weren't built or intended to be on road vehicles,

Annette said that these were built by Honda to make money. They started out as recreational but the industry has grown.

Senator Bakke asked if they changed the structure to accommodate the different uses.

Annette said that ATV technology has grown every year.

Rep. Jon Nelson testified in support of Engrossed HB 1445. He said that last session we passed a limited ATV bill. The bill before us is a mirror of what South Dakota passed 8 years ago. It is also a mirror of the motor cycle law within our state.

Senator Potter asked about putting licensed driver in the bill.

Rep. Nelson said he was open to friendly amendment but all these issues are covered.

Senator Lee asked for opposing testimony.

Rep. Guchalla testified against Engrossed HB 1445. He told the progression of ATVs. He said he didn't think we could take a vehicle designed for off road and make it on road. He also said that tires are DOT certified for off road.

Senator Andrist asked if it wasn't hypocritical to let bikes on the road and not let farmers use ATVs. He gave an example of an accident.

Rep. Guchalla said that on a bike you can hear a car coming. I think these will be used as recreational vehicles as well as utility vehicles.

Pat Ward representing Association of ND Insurers testified in opposition to Engrossed HB 1445. These vehicles are designed for off road and not on road.

Diana Read, director of the Injury/Violence Prevention Program for the North Dakota Department of Health testified in opposition to Engrossed HB 1445. Her written testimony is enclosed.

Keith Magnusson Deputy Director for Driver and Vehicles Service at the NDDOT testified that they had no position on this bill but wanted to point out a few things. He thinks the driving on the interstate could be taken care of in current law. The other thing on the mini trucks, those are imported as agricultural equipment and there are no states where they are listed as a motor vehicle.

Senator Potter asked if these farm vehicles can be driven without liability insurance and if we pass this they could be on the highways.

Keith Magnusson said that anything driven on the highway has to have some kind of insurance.

Senator Lee said that these trucks are imported as Agricultural vehicles, are they covered like a tractor running on a road or other farm machinery heading down the road.

Keith Magnusson said that is correct because anything on the road has to have insurance. And regardless of this they can use the highway.

Senator Lee closed the Hearing on Engrossed HB 1445.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1445

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5196

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Gary Lee opened discussion on Engrossed HB 1445 relating to equipment of registered off-highway vehicles; and relating to the operation of off-highway vehicles.

Senator Andrist said he believed what they were looking for in this bill was to do with a utility function not recreation. If we went to line 21 and insert a licensed driver instead of an individual over the age of sixteen may operate a registered off-highway vehicle this might make the bill more acceptable.

Senator Nething said his problem is with having the vehicle on the roadway no matter who is driving.

Senator Bakke said that he is concerned that these vehicles do not have the appropriate tires and structure to be safely driven on roads. They are intended not to be driven on roads.

Senator Fiebiger struggled with the testimony of the Honda dealer that said Honda didn't endorse their off-highway vehicles on roadway because of liability.

Senator Bakke asked about the trucks and this is a completely different issue.

Senator Potter said that he would hate to see this truck business harmed. This is a different subject.

Senator Bakke had a problem with moving the speed limit from 45 MPH to 65 MPH.

Senator Andrist said that they were not advocating driving 65 MPH but the testimony was defining the highway they could drive on.

Senator Lee brought Rep Kempenich amendment 70638.0201 which will on page 1, line 21, insert "class III" after "registered" and will address licensing these light truck vehicles.

Senator Andrist moved Rep. Kempenich amendment # 70638.0201.

Senator Bakke seconded the motion.

Senator Nothing said if we accept this amendment the rest of the bill stays as is. Why do we need section (1)?

There was discussion on safety issues, age of drivers, and whether to strike section 1, steering wheels, and a seat.

Senator Andrist said that section 1 raises the bar a bit and he didn't think section 1 did any harm.

Senator Nothing said if we adopt this we are limiting the paved road to class III vehicles. This amendment has too many ramifications to it.

Senator Andrist said where we started on this discussion we were trying to find a fix for these class III light trucks.

Senator Nothing said that he didn't think this amendment fixed this.

Senator Potter said we could withdraw Senator Andrist amendment, remove the overstrikes on 22, 23, 24, and 25, remove highway and remove sixty-five and then add: A licensed driver at least sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles per hour.

Senator Fiebiger said that they will still have the equipment requirements.

Senator Potter said they were willing to have them.

Senator Andrist withdrew his motion on amendment #70638.0201.

Senator Bakke withdrew her second.

Senator Potter moved the Potter Amendment

Senator Bakke seconded the motion.

Senator Nothing asked if the intent of this bill now allows for the licensing of the light trucks from Bowman that the gentleman testifies on.

Senator Potter said that is the intent.

The clerk called the roll 6-0-0.

Senator Potter moved a Do Pass on Engrossed HB 1445 as amended.

Senator Andrist seconded the motion.

The clerk called the roll 5-1-0.

Senator Potter will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1445

(1)

Page 1, line 21, after "registered" insert "class III"

Renumber accordingly

W. Anderson

JB
3-16-07

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1445

Page 1, remove the overstrike over lines 22 through 24

Page 2, line 1, remove the overstrike over "~~county or township roadway~~" and remove "highway"

Page 2, line 2, remove the overstrike over "~~forty-five~~", remove "~~sixty-five~~", remove the overstrike over "~~72.42~~", remove "104.61", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

Date: 3-16-07
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. Engrossed HB 1445

Senate Transportation

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number ~~266-337-0501~~ Potter Amendment

Action Taken Do Pass

Motion Made By Senator Andrist Seconded By Senator Bakke

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator JoNell Bakke	✓	
V Ch John Andrist	✓		Senator Tom Fiebiger	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment ~~266-337-0501~~

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

Date: 3-16-07

Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. Engrossed HB 1445

Senate Transportation

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Senator Potter Seconded By Senator Andrist

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee		✓	Senator JoNell Bakke	✓	
V Ch John Andrist	✓		Senator Tom Fiebiger	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Potter

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

REPORT OF STANDING COMMITTEE

HB 1445, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1445 was placed on the Sixth order on the calendar.

Page 1, remove the overstrike over lines 22 through 24

Page 2, line 1, remove the overstrike over "~~county or township roadway~~" and remove "highway"

Page 2, line 2, remove the overstrike over "~~forty-five~~", remove "~~sixty-five~~", remove the overstrike over "~~72.42~~", remove "104.61", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

2007 HOUSE TRANSPORTATION

CONFERENCE COMMITTEE

HB 1445

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1445

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04-03-2007

Recorder Job Number: 5709

Committee Clerk Signature

Lisa M Thomas

Minutes:

The conference committee on HB 1445 was called to order. Chairman Vigesaa, Rep. Weisz, Rep. Schmidt, Sen. G. Lee, Sen. Nething, Sen. Fieberger were all present.
HB 1445 relates to the operation of off-highway vehicles.

Chairman Vigesaa: We will start by having the Senate explains the amendments they made to the bill.

Sen. G. Lee: We thought the Senate committee showed a great deal of restraint in not putting this out with a DO NOT PASS recommendation but we did change it to include in section two of the bill that a licensed driver over sixteen years of age may operate a registered off-highway class three vehicle. That was the amendment we put on the bill and we thought that was a reasonable compromise and it was put in there to accommodate that dealer down in the southwest part of the state that had those vehicles that he was trying to make a business out of.

Rep. Weisz: I am just somewhat curious why the Senate objected from allowing these vehicles on the highway considering everything else that we allow on the highway and what the rational was then to not allow licensed drivers that have a licensed vehicle on the road.

Why was that taken out from what the House passed?

Sen. G. Lee: Just from my own prospective I guess it seems they would likely call these off-highway vehicles for a reason. We define them as such and I think that is what they are intended for, to be used off the highway. They are built to be used that way and we did make an exception in the Class three cases which they are equipped differently and have steering wheels and four wheels and that was an exception. I think they are designed to be off highway vehicles.

Rep. Vigesaa: You also changed the roadways on page two also back to county or township roadways posted at speed not to exceed forty-five isn't that correct also?

Sen. Nething: Isn't that the current law anyways?

Rep. Weisz: I guess from the House prospective, wouldn't a class three vehicle generally drive slower even than a class two vehicles. The reality is that they are off-highway vehicles for a utility vehicle and in the rural areas it's the new chore boy for virtually every farm out there and they are all using them and what they are asking for is that we make them more practical from the standpoint of getting to and from the farmstead to the field. Based on the other vehicles we let on the highway we thought this was just a way to allow what is already common practice. The same with the class two utility vehicles. They are forty-five to fifty miles an hour tops; nobody is going to drive it from Bismarck to Dickinson. That is not what they are intended for. Now we are basically making them higher risk by requiring them to drive in the ditches so then when they need to cross they need to pop up on the highway from the ditch and legally they can't even cross the road to get to the other side.

Sen. Nething: Maybe you can refresh my memory but I thought that two years ago that was the request that they gave them. Didn't we do that at the request of the ATV people that wanted to add that authority so they could ride at least in the ditch?

Rep. Weisz: They already could do that. Last session they did allow them to drive on roads posted at forty-five miles an hour or less which is virtually none because most county roads are fifty-five miles an hour so we did allow them on gravel.

Sen. Nothing: That's what they wanted?

Rep. Weisz: That's what we ended up compromising on. That's not what they wanted, that's what they ended up with. They can drive in the ditch. It is more dangerous to me to ride in the ditch and pop across the road than they are if they are a licensed driver and have they get the proper safety equipment and if it's a reason for utility, let them go.

I know there are some concerns that we are going to have all of these ATV's zipping up and down the highway but they are a utility vehicle so I don't see that every being an issue of someone using them as a mode of transportation to go sixty or eighty miles down the highway. People will use it to go from the field to the house or town and at the lake cabin.

Sen. Nothing: I see that your committee voted 7 yes and 6 no on a DO NOT PASS. Then it was overturned on the floor, is that correct?

Rep. Weisz: Yes.

Sen. Nothing: So we are kind of in line with your committee.

Rep. Weisz: The full House passed it by like fifty seven?

Sen. Nothing: Forty-seven to forty-six?

Rep. Vigasaa: Very evenly divided.

Rep. Schmidt: In my area right now when people go to the field they need an ATV because in some places it is too rough to use a vehicle. They are a farm chore helper out there.

Sen. Nothing: I think that is right. They are a farm chore helper, they are just off-road vehicles. That is what they are built for is off road driving. That is what the standards are. That is what the tires are. They tell us in committee anyways.

In looking at my committee people that were opposed to it, they were kind of erring on safety.

Sen. Fieberger: I would share some of the same safety concerns. I know the Consumer Product Safety Commission has advocated that they not be driven on paved roads and there was testimony on that. The other concern I have is as I read the bill as it came over, it would have allowed children ages thirteen to sixteen to drive it on a paved highway up to sixty-five miles an hour and I don't know that there was any limitation on that. I think that was a concern of the committee as I recall it.

Rep. Vigesaa: *addressing Sen. Nothing's comment:* I think when they were first invented they were off road but as Rep. Weisz mentioned, this whole process of using these ATV's has evolved into a different usage now and it has just become common practice. I was driving on the interstate 94 on Sunday going west and I saw this overpass and it was an ATV going over the interstate on the overpass. I know it's being done out there and I think we are just looking for some way to legitimize the use and make it feasible for these guys to do it legally.

Rep. Weisz: South Dakota has had this law in effect for several years and they have had no problems. I don't see any greater risk.

Sen. G. Lee: It not a matter of the ability to drive it or not drive it. It's being on the highway and competing with semis and whatever else is out there and I think it says right on the side of some of the off highway vehicles. That is the intent of the use.

Rep. Weisz: That is for liability issues. Currently now, you have them driving down the highway and there are no requirements for safety. Also, we did have a size limitation so in some ways we are making this more restrictive than what the current practice is. I understand the concerns of safety but we have developed a vehicle that wasn't even thought of in the 60's that has taken over this area and we are just trying to find a way to accommodate them the best way we can. This class three under our bill would have been in. In the House version they

would have been included anyways, but I don't think there is any objection that they would have been in there anyways. I guess I would like to bring up one issue that I am hoping could be addressed in this bill which is HB 1423 and that was the riding on public lands that the Senate killed. There was a section in there that had to do with organized sporting events. I would be hopeful that we could amend that one section out of the bill we killed because it is very important. Virtually every race track in the state is illegal if we don't put that in.

The section would say that no one under sixteen years of age may not except under the lands of the parent or guardian and we added or as a participant in an organized sporting event that involves the use of off highway vehicles. In other word Motocross races and ATV races.

Sen. Lee: Isn't that the one where you can have an eight year old on one of these?

Rep. Weisz: That is the bill that you killed. I am just looking at adding this one section in that exempt organized sporting events from the under sixteen classification. Eighty percent of your entrants are probably under sixteen years of age. So we have just now said that they can't operate.

Sen. Lee: That bill was defeated soundly in the Senate.

Rep. Weisz: I'm not talking about all of the other sections of the bill. This is just that one line that has to do with the organized events, nothing to do with the breakdown of the classes. I realize you guys defeated that but we are hopeful because we just wiped out a whole lot of business this year. Now that it has been brought out that they are operating illegal. They are a huge event and I guess I don't understand where we don't seem to have a problem allowing little kids to play football and basketball and soccer and they break their arms and get bruised up.

Sen. Nething: I think they do that on their own. They don't use vehicles.

Rep. Weisz: We have organized sporting events for these little kids out there and they are beating each others heads in and we allow them to box.

Sen. Nething: But I mean they are not using vehicles.

Rep. Weisz: Again, it's an organized event and the parents sign off on the liability issue, why would we not want to allow these events to continue? I just can't imagine why we all look at things differently, personally I would rather my kid was out on his Motocross bike than playing football as far as his risk of injury. That is my opinion, someone else might say different. But again, we have taken a legitimate sport across the nation. These are huge international sports. I know it's not as big here as some states but in the international arena they are starting at four years of age that is how they reach the point of being international pro riders by the time they are sixteen. We are just saying well yeah, but if you are going to ride Motocross, you have to go to Minnesota and South Dakota because we won't let you ride here. That puts the track out of business.

Rep. Vigesaa: There is a circuit throughout the state of ND where these young people go. I know there is an active group in Cooperstown that go almost every weekend somewhere in ND to these Motocross events. They are small bikes and atv's and they compete. It is a genuine circuit and this would eliminate that.

Rep. Weisz: Under the current law, the way it reads, even under private lands, my kids could race but nobody else's'.

Sen. Lee: If we put that on this bill, it would be an easy way to kill the whole thing by bringing it back to the Senate. Simply because of the age, the safety issues involved and the cognitive ability of those kids as we viewed it to handle a bike. You could do that but we could take care of the whole thing.

Rep. Weisz: To be honest with you, there isn't much in the bill now that isn't already current law. I don't want to kill the bill but even if in the end and I do think we need to do something to help the guys that are driving down the road, but I think this is important. I don't have any interest myself, but Jamestown has a big track. There is a big race there. How are you going to let them operate then?

Sen. Nething: Well they have been out there.

Rep. Weisz: I know illegally now. Now that it has come to attention. Nobody realized it, but it's illegal. There isn't a state in the nation that doesn't allow kids to race bikes. They can pound each other senseless at the age of ten in the boxing ring.

Rep. Vigasaa: Well we are up against the clock here. It appears that we are going to need to meet again.

The conference committee meeting was closed. No action was taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1445

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04-06-2007

Recorder Job Number: 5793

Committee Clerk Signature

Liam Thomas

Minutes:

The conference committee on HB 1445 was called back to order. Chairman Vigesaa, Rep. Weisz, Rep. Schmidt, Sen. G. Lee, Sen. Nething, and Sen. Fieberger were all present.

Rep. Vigesaa: Let me ask the Senate if you have had any conversation as to where we are standing from our position at this point and what you guys have visited about.

Sen. Lee: We thought we restrained ourselves by not putting it to sleep early and fixed it up a little bit for you and passed it on. Other than that we feel pretty good about where we are at.

Sen. Nething: Where I am at is where the Senate was at.

Rep. Weisz: Again I think one of the really important issues to a lot of people in the industry is the organized sporting event. One of the things that we looked at is allowing the ATV's on the county roads at least. As those are generally all rural and shouldn't be getting in the way of whoever wants to drive fast. It only addressed what I think is a small part of the problem but it would be helping in some ways. Basically it would say to cover all county roads that posted at sixty-five or less. That is state law, if they are not otherwise posted; they are at sixty-five. I don't know if there is some way to solve the organized sporting events.

Rep. Vigesaa: How would you look at adding that in if it were to be an amendment?

Rep. Weisz: It would be Class two vehicles if they meet all of the criteria like they did for the Class three here to be able to drive on all roads where speed limits are fifty-five miles an hour or less. Then the Class three would stay the way they put it. They can drive on all the sixty-five mile an hour roads or less. Class three, the way they said it, could drive down HWY 200 but a class two vehicles could drive on county roads but not on HWY 200 and none of them can drive on 83 or any four lanes.

Rep. Vigesaa: And what with regard to the sporting events?

Rep. Weisz: I don't know how we can structure the language to find acceptance. I understand your opposition is merely that you don't want kids riding bikes and I don't know how we address that. It's a huge industry across the country and that's the only way, at this point, I don't have an answer to satisfy their objections. The objections are to not have a ten year old kid on a bike. I assume you don't have an objection to having the race.

Sen. Lee: As I have said it before, there is not a lot of support for that age and activity in the Senate.

Rep. Weisz: I understand it is going to go to a vote, but that was a pretty broad bill that had to do with riding and the main point in that bill was riding on public lands to allow a family with the kids to ride in state parks. That was the main part of the bill and merely that one line for organized sporting events would be put into this bill. I am not asking for any of that riding in states parks or public lands. I am not talking about any of those changes from HB 1423, just that one little line that says if you have an organized sporting event, you can hold them. The reality is they way the law is now, it is illegal. They can't allow anybody to race in these races even on private land because the land because the law means on a parent or guardian's land.

How can I hold a race and have someone else's kids there? All the other provisions of that, I am not worried about.

Rep. Vigesaa: You would probably not specifically make any age then in that amendment?

Rep. Weisz: Well no because they all have their own age classification that they set up depending on the motor sizes and the business and I wouldn't think they want to get into a debate about the classes. These state organizations are part of the national organizations and they set up the classes and engine sizes. This is a very narrow piece out of that bill that the Senate did kill.

Rep. Vigesaa: I know that these are sanctioned events and for those that want to pursue this as a career, those young people start at a very young age and in fact they get sponsorships from major corporations at a very young age to start this sport.

Rep. Weisz: They develop skills the same way as a professional tennis player or pro football player or baseball player; those kids are butting heads when they are three and four years old. That is how they get to excel in any sport and obviously we could debate the risk, but parents decide for them whether it's acceptable. There are kids who play basketball and have to have surgery because their knees are shot from the sport before they are sixteen.

Rep. Vigesaa: Do you know when the youngsters enroll in these events; is there quite a lot of waivers that parents need to sign?

Rep. Weisz: They can't race without parent's permission and obviously they have to have all of the safety equipment or they won't let them on the track. They have chest protectors and shin pads and boots and helmets and goggles and gloves and padded everything or they won't let them on the track. It's not like some ten year old can just show up at the track and say he wants to race. I am just trying to see if there is a way to carve out that little piece. I understand the Senate's objections to having people ride on state lands. They don't want the kids on there.

Sen. Lee: Part of the Senate's objections were the age limits that were included in there and the safety issues that these young kids using these vehicles. People testified that they don't

want to show them how to start it because they think that is a problem because they might start it when you are not there and don't show them how to shift because they don't want to show them how to use the vehicle in front of them because they are afraid that the vehicle and the age don't necessarily match up. You use ten year olds as the age but that isn't the age that was being discussed in some of the committee hearings as I recall it was age six and so on. I err on the safety side of that. I have a real problem with that so I really don't support it.

I think some of those things, because people do them, doesn't mean that I need to endorse that or that we should. Because people drive eighty-five down the highway and someone comes in and wants to make that the standard doesn't mean that we should endorse that.

Rep. Weisz: I understand that and I'm not asking the state to endorse anything, merely that be allowed. Again, that is why we are not talking anymore about just kids being able to ride on public lands. These are sanctioned events. The engines are limited to the age group. They are running small machines and they have a lot of safety gear and now they can't be allowed on the track. In the other area as pointed out on the public lands, sure you can say they are supposed to have the safety gear, but nothing stops them from going out and riding on the public lands and ignoring the law. I guarantee you no kid would be on that track without the proper gear.

Sen. Nething: Are you thinking in terms of then, we leave the bill the way it came to the Senate if we were to add this Motocross?

Rep. Weisz: Well, just organized sporting events so it would be those types of events.

Sen. Nething: Our problem is, you can't divide the question on this. So we are locked in and the question comes whether the whole bill will go or not.

Rep. Weisz: I understand. We would really like to see county roads on the bill.

Sen. Nething: Why don't get one amendment ready for each. At least we could get a vote on it.

The meeting was closed. No action was taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1445

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04-10-2007

Recorder Job Number: 5855

Committee Clerk Signature David M Thomas

Minutes:

The conference committee on HB 1445 was called to order. All members were present.

Rep. Weisz passed out proposed amendments. See attached.

Rep. Weisz: The first amendment would allow them to run on the county roads and the other amendment it does have to do with section two, that amendment does clean up the language and it allows participation in organized sporting events that involve the use of off highway vehicles. That is the only thing that it would add.

Sen. Nothing moved to adopt the second amendment for discussion purposes.

Rep. Schmidt seconded.

Roll Call Vote: 4 yes. 2 no. Motion fails.

Rep. Weisz moved the first amendment.

Sen. Nothing seconded the motion for discussion purposes.

Roll Call Vote: 3 yes. 3 no. Motion fails.

The meeting was adjourned and no action was taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1445

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04-11-2007

Recorder Job Number: 5899

Committee Clerk Signature

Lisa M Thomas

Minutes:

The conference committee on HB 1445 was called to order. All conferees were present.

Rep. Weisz: I tried and didn't have a lot of success with the last amendments, so I thought I would try one last amendment. It is basically a part of a couple of them that we already tried.

This amendment is basically doing the county roads. It leaves off the organized sporting events and to be honest if we reject this, I am not sure where we are from our prospective. I don't really have anything more to add.

Sen. Nething: I understand that the sixteen years of age is designed because that is the age you get your license, is that the idea?

Rep. Vigesaa: That is the amendment that the Senate already put in. A licensed driver over sixteen years of age may operate that is what the Senate put in. The motion looks like it is for the Senate to recede from its amendments and put it back in.

Rep. Weisz: I guess ours would be to add a licensed driver on county roads.

Sen. Nething: You guys added that and it would stay in there. My proposed amendment would keep that in there and then add that all vehicles could drive the country roads if you are a licensed driver and you have your safety equipment that is already in the bill. We are leaving the language that the Senate adopted and then adding the language, if it is county roads all

licensed drivers would be able to operate with off-highway vehicles which has met all of the safety equipment which is spelled out in section one of HB 1445. That language you did leave in there.

Sen. Lee: Are you working off of, which bill?

Rep. Weisz: It should be off of three hundred versions, but it is off of version two hundred. The intern is not here.

Sen. Lee: Page two, line one, it says to remove the overstrike and in the current version that is already done.

Rep. Weisz: If you are working off of two hundred. We would be amending HB 1445 version .0200.

Sen. Nething: That doesn't change anything.

Rep. Weisz: I wish I had Kyle here, but he is in Finance and Tax.

What it does is puts your amendment in there and takes our sixty-five for all vehicles and changes it back to the county roads. They do allow it on county roads, it keeps the safety in, it keeps your amendment in and then changes it from I wish I had Kyle here, but he is in Finance and Tax.

What it does is puts your amendment in there and takes our sixty-five for all vehicles and changes it back to the county roads. They do allow it on county roads, it keeps the safety in, and it keeps your amendment in and then changes it from Highways designated at a speed not exceeding sixty-five.

Sen. Nething: I am not sure I can track that amendment to that version of the bill.

Rep. Weisz: Page two, line one, remove the overstrike and bring county or township back in.

You keep the overstrike on roadway because technically it is highway and that includes gravel and everything and then you overstrike the rest. It doesn't matter what the state highway would

be posted, you could have a forty-five mile an hour state highway and you couldn't run them on there, it is specific to county and township. Then it puts back in your language that the Senate added and put in a licensed driver over sixteen may operate a class three on a state highway.

Sen. Lee: Do we have a bit of a conflict in the language between the amendment including sixteen years of age ? Then your language includes any licensed driver?

Rep. Weisz: Not necessarily because you are saying that if you are going to run these on sixty-five mile an hour roads, you would have to be at least sixteen. I don't know that it's in a conflict. If they were running on a county road a class three, in reality they could be a licensed fifteen year old, but I don't know that it's in conflict. Personally I would say if you are a licensed driver you are a licensed driver.

Sen. Nething: The amendments have to be on the latest engrossed bill, so we have to have a new amendment. The thing about our amendment is that we were relating that back to only class three vehicles. Now we are still doing that but what about the other vehicles that we have, with no age limitation on them?

Rep. Weisz: They have to be a licensed driver.

Sen. Nething: That age is what?

Rep. Weisz: I think the earliest is fourteen and a half years old.

Sen. Nething: So we have two different ages then for the class three vehicle or the four wheelers. One being fourteen and a half and one being sixteen.

Rep. Weisz: That is true but they are also on two different types of roads.

Rep. Vigesaa: Your amendment would have allowed the class three on state highways at sixty-five. Really our change is to allow these vehicles to be on county and township roads.

Sen. Lee: What about on county and township roadway, but we would strike the highway out of there too?

Sen. Nething: No, they would strike the roadway and leave highway because LC said that highway counts all roads whether gravel or whatever.

Sen. Lee: So roadway is still out then?

Rep. Weisz: Yep. They said highway was the proper language.

Sen. Lee: With the language that you are proposing, if you are going to redraft the amendment, I wouldn't mind seeing it first and getting it correct before we vote on it.

Rep. Weisz: I have no problem with that.

Chairman Vigesaa closed the committee meeting until the updated amendment has been drafted. No action was taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1445

House Transportation Committee

☒ Check here for Conference Committee

Hearing Date: 04-13-2007

Recorder Job Number: 5982

Committee Clerk Signature

Lisa M Thomas

Minutes:

The conference committee on HB 1445 was called to order. All conferees were present.

The committee met to look over the amendments for a final vote.

Rep. Weisz passed out the amendments in the final draft. See attached.

Rep. Weisz: These amendments do have to be amended off of the .0200 version. They said it had to be this way. What the amendment does is it changes the sixty-five to fifty-five and keeps the class C in there at sixty-five so I would **move the amendment**.

Rep. Schmidt seconded.

Sen. Lee: So this vehicle then would need to be at least three hundred and fifty cc's and have these pieces of safety equipment?

Rep. Vigesaa: Correct.

There was no further discussion.

The motion was for the Senate to recede from it's amendments and adopt amendments 70638.0203.

Roll Call Vote: 5 yes. 1 no. 0 absent.

Carrier: Rep. Vigesaa

The conference committee was dissolved.

Submitted by Rep Wussy on 4-10-07

Proposed Conference Committee Amendments
April 8, 2007

That the Senate recede from its amendments as printed on page 887 of the Senate Journal and page 1112 of the House Journal and that Engrossed House Bill 1445 be amended as follows:

Page 2, line 1, remove the overstrike over "~~county or township~~" and overstrike "designated and posted at a speed not"

Page 2, line 2, overstrike "exceeding", remove "~~sixty-five~~", overstrike "miles [", remove "~~104.61~~", overstrike "kilometers] per hour.", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

Page 2, after line 2 insert:

"SECTION 2. AMENDMENT. Section 39-29-10 of the North Dakota Century Code is amended and reenacted as follows:

39-29-10. Operation by persons under age sixteen. Except as otherwise provided in this section, ~~a person~~ an individual under sixteen years of age who is not in possession of a valid operator's license or permit to operate an ~~all-terrain~~ off-highway vehicle may not, except upon the lands of the ~~person's~~ individual's parent or guardian ~~(or as a participant in an organized sporting event that involves the use of off-highway vehicles,~~ operate an ~~all-terrain~~ off-highway vehicle. The failure of an operator to exhibit an ~~all-terrain~~ off-highway vehicle safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that that person does not hold ~~such~~ a certificate. Fees collected from each ~~person~~ individual receiving certification must be deposited in the ~~all-terrain~~ off-highway vehicle trail tax fund for ~~all-terrain~~ off-highway vehicle safety education and training programs."

Submitted by Rep. Weisz on 4-11-07

Proposed Conference Committee Amendments
April 8, 2007

That the Senate recede from its amendments as printed on page 887 of the Senate Journal and page 1112 of the House Journal and that Engrossed House Bill 1445 be amended as follows:

Page 2, line 1, remove the overstrike over "~~county or township~~" and overstrike "designated and posted at a speed not"

Page 2, line 2, overstrike "exceeding", remove "sixty-five", overstrike "miles [", remove "104.61", overstrike "kilometers] per hour.", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1445 (, as (re)engrossed):

Date: 4-11-07

Your Conference Committee TRANS

For the Senate:

For the House:

	YES / NO			YES / NO	
Sen. Lee		x	Rep Vigean	x	
Sen Nething	x		Rep Weiss	x	
Sen Fiebergert		x	Rep Schmidt	x	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 11/2 --

____, and place _____ on the Seventh order.

X, adopt (further) amendments as follows, and place _____ on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT YES NO ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1445, as engrossed: Your conference committee (Sens. G. Lee, Nething, Fiebiger and Reps. Vigesaa, Weisz, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1112, adopt amendments as follows, and place HB 1445 on the Seventh order:

That the Senate recede from its amendments as printed on page 1112 of the House Journal and page 887 of the Senate Journal and that Engrossed House Bill No. 1145 be amended as follows:

Page 2, line 2, replace "sixty-five" with "fifty-five", replace "104.61" with "88.51", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

Engrossed HB 1445 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

HB 1445

TESTIMONY- HB 1445
REP. JON NELSON

Chairman Weisz and members of the House Transportation Committee. It is a pleasure for me to appear before you today to introduce HB 1445.

Last session the legislature passed legislation that allowed off road vehicles to drive on all gravel road surfaced roads as well as paved roads with a speed of not more than 45 miles per hour.

The changes in HB 1445 would allow for off road vehicles to operate on paved road surfaces with a posted speed of 65 miles per hour. This addition would include all 2 lane highway surfaces in the state. Another change would require that these vehicles be equipped with a mirror, turn signals, and a horn in addition to the headlights and tail light provision. These changes would mirror legislation that passed in this chamber last session.

It is my belief that the safety provisions in this piece of legislation are crucial to insure that off road drivers are in as safe a situation as possible. I would also not be opposed to an amendment that would require the use of headlights when these vehicles are using the roadways of the state if this committee felt that would add additional safety.

It is my hope that this committee will continue the policy of allowing responsible use of off road vehicles and coupled with the safety requirements in HB 1445 allow these vehicles to become more useful for work and recreational activities across the state.

I respectfully ask for a DO-Pass recommendation on HB 1445 and thank you for allowing me this opportunity.

HB 1445

These two pages
are samples
from the
6 pages of
signatures
turned in
Jan. 19, 2007

To Whom It May Concern:

We, the undersign, request you consider licensing Japanese mini-trucks for two-lane highways. They are safer than a motorcycle which you license. They have an enclosed cab, seat-belts, turn signals, lights, brake lights, windshield wipers, disc and drum brakes. There are automatic or 4 & 5-speed manual transmissions available. Most come with two-wheel drive or four-wheel drive option. These trucks come with regular street tires.

Farmers and ranchers would be able to use them to run to town after parts or get from a highway-accessed field to another field a few miles away. With the steering on the right-hand side, postal workers would find it easier to deliver mail on their rural routes. Contractors and city crews would benefit from their many uses.

Our neighbors in South Dakota and Montana license these trucks and drive them on their two-lane highways and city streets on daily basis. Without licensing, you limit how these trucks can be used.

Thank you for your consideration.

Henry J. Fischer

Monte Supma

Carol Jankovic

Joe Pitt

Roxanne Miller

John Vail

Karen Legett

W. J. Thurst

Bill Foster

Conrad Smith

Fred Smith

Jeff Cahland

Rhame ND 2796953

Minot, N.D. 838-2415

Reider, N.Dak. 853-2219

Ludlow S.D.

Bowman, ND

Bowman ND

Granville ND

Bowman N.D.

Bowman ND

Ludlow SD

Bowman, N.Dak.

Rhame, N.D.

Jan. 19, 2007

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Our neighbors in South Dakota and Montana license these trucks and drive them on their two-lane highways and city streets on daily basis. Without licensing, you limit how these trucks can be used.

Thank you for your consideration.

Wayne Hestley
Donna
Donald Kalina
Charles Jappa
John Fawn
Carlene Crevier
Terry Neiss
Billy Brooks
Cheryl Van Haele
Edna
Pat Rafferty

Amanda 879-4353
Bowman 523-3189
Bowman 523-5554
Bowman 260-2392
Bowman 574-3183
Bowman 523-5314
Bowman N.D. 523-3460
Bowman 523-3730
Rhame 279-5785
Bowman 523-5792
Bowman 523-3257

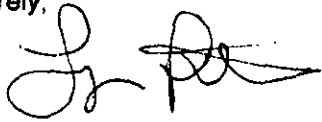
Jan. 19, 2007

To Whom It May Concern:

I am Lynn Peterson of R & L Contracting in Bowman, ND. I am interested buying some Japanese mini-trucks for my business from Heritage Auto Center. They would be useful for my crew to get back and forth from the job site to the shop whenever we need more supplies. Highway travel is required to get from my place of business to different job sites around the Bowman area. It would make it difficult to do this legally without being able to license these trucks.

Without being able to license these trucks, I cannot purchase them for my business. I support Heritage Auto Center in getting these mini-trucks licensed for two-lane highways.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn Peterson', with a stylized flourish at the end.

Lynn Peterson
R & L Contracting, owner

Testimony - House Bill 1445
House Transportation Committee
January 26, 2007

Testimony presented by Annette Behm-Caldwell
Dealer Principal – Open Road Honda, Mandan
Vice-President, North Dakota Powersport Dealer Association

The North Dakota Powersports Dealers Association (NDPDA) recommends that this bill be given further review and revision. The bill as stands does not have the support of the NDPDA.

The NDPDA proposes the revision of Section 1 regarding Equipment "To be registered, ridden on a paved road, an off-highway vehicle must meet the equipment requirements as determined by the director in conformity with chapter 39-27 as modified to apply to an off-highway vehicle".

The NDPDA is in favor of safety equipment for off-highway vehicles that will be ridden on paved roads and asks for the opportunity to work with the Representatives Nelson, S. Meyer and Weisz and Senators Andrist and Potter to develop appropriate vehicle requirements.

Chapter 39 – 27 was created specifically for street motorcycle, not off-highway vehicles. Some of the ATV's and most of the dirt motorcycles as delivered from Honda, Yamaha, Suzuki and Kawasaki would not meet the requirements set forth in these sections:.

- Section 39-27-09. Stating every motorcycle must be equipped with at least one mirror. Most dirt bikes are not used for on-road travel. Mirrors would cause a safety hazard for dirt bikes that were ridden competitively.
- Section 39-27-13. Vehicle Stand. There are no vehicle stands or kickstands on most dirt bikes used for Motocross racing.
- Section 39-27-15. Horn. Horns require an electrical source not available on most dirt bikes.
- 39-27-16. Speedometer and odometer. There are no OEM or after-market kits that could be used to attach a speedometer and odometer to dirt bikes and ATVs without a speedometer/odometer.

If house bill 1445 passes as presented, the registration of off-highway vehicles and corresponding tax dollars and title fees, would drop dramatically.



Submitted by Tanya@Safe Kids

January 24, 2007

To Members of the House Transportation Committee:

The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's major goal is to promote the safe and responsible use of ATVs.

SVIA strongly opposes HB 1445 which provides for further ATV use on highways. We oppose any use of ATVs on paved roadways and rather than allow more extensive ATV operation on roads, we would urge that the provisions in existing law that allow certain paved roadway use be repealed.

Americans are enjoying ATVs in rapidly increasing numbers and using them responsibly for both work and play. Tens of millions of ATV users ride their ATVs in a safe and appropriate manner every day. They are tremendously useful products and have become an essential tool for farmers, law enforcement officials, military and others. Unfortunately, accidents and fatalities do occur. The majority are caused by misuse of the ATV, including children riding adult-sized ATVs, carrying passengers, alcohol abuse, lack of a helmet or other protective gear, and riding on paved streets and highways.

ATVs are designed, manufactured and sold for off-road use only. On-road vehicles must be manufactured and certified to comply with U.S. Department of Transportation Federal Motor Vehicle Safety Standards (FMVSS). These safety standards consist of extensive and detailed compliance requirements. Since ATVs are not intended to be used on-road, they are not designed, equipped or tested to meet such standards. For example, ATVs are equipped with special off-road tires and, unlike off-road motorcycles that can be equipped with U.S. Department of Transportation (DOT) approved tires, ATVs cannot be so equipped because street legal, DOT-approved tires do not exist for ATVs. Many ATVs are equipped with a solid rear axle that turns both rear wheels at the same speed. Such ATVs are not designed to turn without slipping one rear wheel. Consequently, turning an ATV on high traction surfaces, such as paved streets, can be difficult when compared to turning in the off-road environment, even if the off-road tires would be replaced by a future street legal tire. Permitting street use of ATVs, including modified vehicles, would be in conflict with manufacturers' intentions on their proper use, and would be contrary to federal safety requirements.

U.S. Consumer Product Safety Commission (CPSC) statistics show that between 1997 and 2002, 40% of ATV fatalities involved operation on paved roads, despite the fact that vehicle labels and owner's manuals clearly warn against such use. Riding on public roads introduces the possibility of the ATV colliding with a car or truck, an obviously dangerous situation. Another CPSC study of 3,200 ATV-related deaths that occurred between 1985 and 1996 found that the most frequently reported hazard pattern (56% of all ATV incidents) involved collisions and 35% of these involved collisions with motorized vehicles.

SVIA emphasizes that ATVs are not designed, manufactured, or in any way intended for use on public streets, roads or highways and urges that on-highway use of ATVs be prohibited and law enforcement efforts be strengthened to eliminate this dangerous practice. We urge you to oppose HB 1445.

Thank you very much for your consideration of these comments on this vital safety issue.

Sincerely,

Kathy R. Van Kleeck
Sr. Vice President, Government Relations



Rear Window Van



Lift Gate



Reefer Box

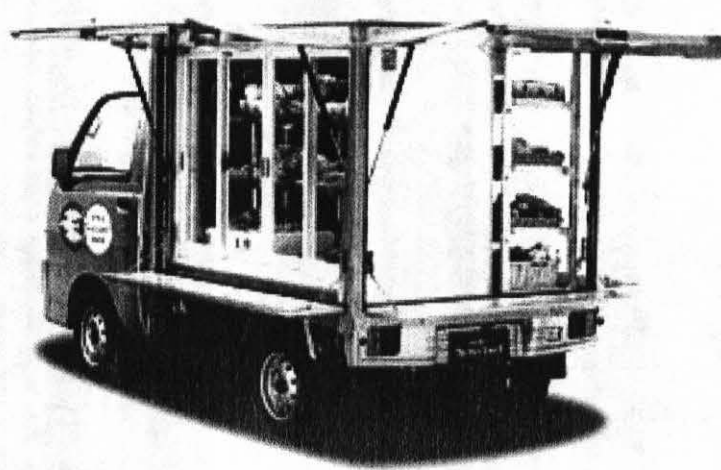
A 4wd Utility with a 1001 Uses!



A wide variety of Dumpers



Mobile Fuel Station



Mobile Concession Stand

4wd Mini Trucks

Benefits and Safety

Protection in a cab - Passenger safety
Good Stability - No Towing necessary

Comfort

Warm and Dry for Winter
Good weather protection

Excellent for All types of Activities

Farms - Ranches - Acreages - Contractors
Fishermen - Hunters

Performance and Economy

Great stability - low center of gravity
Good in Wet conditions

Affordable

Inexpensive to operate - Low Maintenance

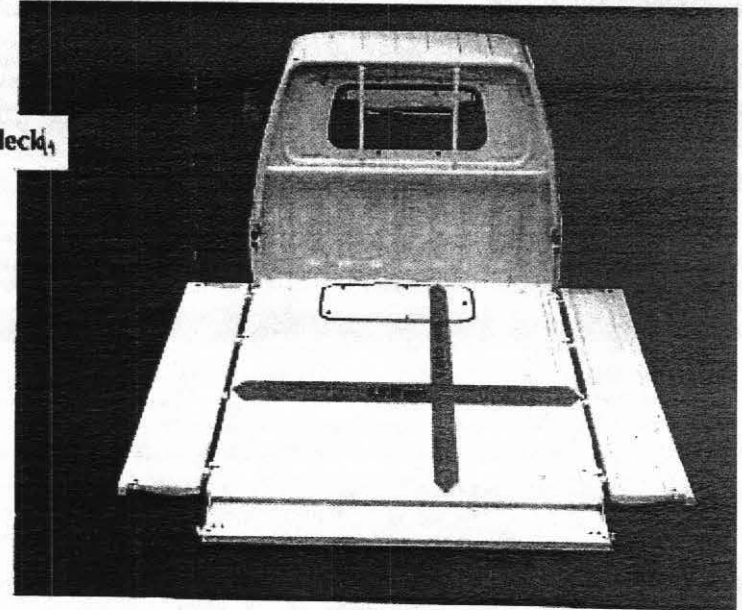
Versatility

4wd with a box all in one
Feed, Fencing, Fishing, Hunting,
even get the groceries.

What are these vehicles used for in Japan ?

They are used as an On Road Vehicle for moving goods due to the narrow roads and crowded streets in the cities of Japan.

Low, wide cargo deck,



Specifications I

I t e m			
Overall length	mm(in)		3,195(125.8)
Overall width	mm(in)		1,395(54.9)
Overall height	mm(in)		1,705(67.1)
Cargo bed	mm(in)	length	1,940(76.4)
		width	1,330(52.4)
		height	270 (10.6)
Wheelbase	mm(in)		1,810(71.3)
Track	mm(in)	Front	1,210(47.6)
		Rear	1,220(48.0)
Min.road clearance	mm(in)		165 (6.5)
Cargo bed height above ground	mm(in)		665 (26.2)
Kerb weight	kg(lb)		735(1,621)
Gross vehicle weight	kg(lb)		1,440(3,175)
Min.turning radius	m(ft)		3.6 (11.8)
Seating capacity			2

Mini Truck Mania!!

The work horse that cost less to feed than a horse.

Japanese Mini Trucks have a thousand uses

The Japanese have been making right hand drive light duty trucks for decades. These light trucks can be used as ranch hay haulers, for search and rescue teams, as wholesale nursery stock transporters, as compact maintenance vehicles for golf courses, schools and universities, municipalities, parks, and zoos. They can be used at airports, cemeteries, hotels, marinas, campgrounds, orchards, resorts, theme parks, corporate campuses, factories, and as transporters of endless other types of equipment within large storage yards — all at very high miles per gallon of gas. They are also safer than typical utility vehicles. The number of functions these mini trucks can perform is almost endless.



Mini Truck In Japan

These were built as a more fuel efficient alternative to the standard size vehicles. The K-class vehicles include passenger cars, vans, and mini trucks. They often equip the beds of these little trucks with specialized industry specific equipment. These trucks have 45 horsepower 660cc engines. For comparison purposes these units are typically about two thirds the length and three quarters of the width of a Dodge Dakota. K-class vehicle regulations have upgraded repeatedly over the years, mainly to meet ever tightening emissions standards and crash worthiness requirements. That means over the decades of production the Japanese manufacturers have really perfected these little trucks.



Quality Used Vehicles

In Japan a new vehicle Registration Fee lasts for three years and then must be renewed every two years coupled with mandatory maintenance checks. Although these mandatory checks keep Japanese vehicles in good running condition, those same laws force heavy depreciation of perfectly fine used mini trucks. That means good prices on great quality used mini trucks for buyers outside of Japan. The major Japanese mini truck manufacturers, in order of recent Japanese sales volumes are: Suzuki, Daihatsu, Honda, Subaru, and Mazda. The specs on these mini trucks vary from make to make and from year to year, but the size is dictated by the Japanese Government. The mini trucks are typically 10'-6" in total length, about 4'-6" in total width, and about 5'-8" high. The typical wheelbase on a mini truck is 6'-3", and the inside dimensions of the bed are 4'-6" by 6'-6". They weigh in at about 1,600 lbs.

Heritage Auto Center

701-523-3287

heritagekorner@ndsupernet.com

Compare to a UTV

Which one would you prefer to drive.
4wd Mini Trucks are much safer and
more practical than any UTV.



Snapper Ground Cruiser



PUG Badlands 4x4



John Deere Gator 4x2



Yamaha Rhino 4x4



Koyker Raptor 4x4



Kawasaki Mule 4x4

Tired of getting COLD??
Can't stand getting WET??
Want to carry MORE??
Want to feel SAFER??

Don't want to PAY too much??

CHECK THIS OUT!

Daihatsu HiJet 4x4 Mini-truck

660cc liquid cooled 3 cylinder engine, 4x4,
high/low range with rear locker! 4 or 5 speed,
radio and cargo light. Rear box has turndown
side rails or remove to make a flatbed.

This seats 2with a heater!

This is **NOT** an ATV!



*This is a
Work Horse!*

Farmers, Ranchers,
Landscaping, Orchards,
golf courses,
all types of uses.

Heritage Auto Center
1-701-523-3287

heritagekorner@ndsupernet.com



Testimony

House Bill 1445

Senate Transportation Committee

Thursday, March 15, 2007; 9:30 a.m.

North Dakota Department of Health

Good morning, Chairman Lee and members of the Senate Transportation Committee. My name is Diana Read, and I am director of the Injury/Violence Prevention Program for the North Dakota Department of Health. I am here to testify in opposition to House Bill 1445, which allows for an off-highway vehicle to be operated on a paved highway designated and posted at a speed not exceeding 65 miles per hour.

The safety of all North Dakotans is important to the Department of Health. House Bill 1445 concerns us because of the dangers associated with operating off-highway vehicles on highways.

According to the North Dakota Department of Health's Division of Vital Records, 28 North Dakota residents died as a result of ATV-related accidents between 2000 and 2005. Fourteen of those deaths occurred on roads, streets and highways, including four children 16 and younger.

The U.S. Consumer Products Safety Commission (CPSC) is a federal agency charged with protecting the public from serious injury or death from more than 15,000 types of consumer products. According to the CPSC, ATVs should not be driven on paved roads for two main reasons:

- 1) ATVs on paved roads are at risk of being hit by cars and other vehicles. While passenger vehicles contain safety features designed to protect occupants from collisions, ATVs do not. If struck by other vehicles, ATV riders can be killed or severely injured.
- 2) Most ATVs have low-pressure tires and a solid rear axle, where both wheels turn at the same speed. When making a turn, the ATV's inside rear wheel is *intended* to skid because its path length is less than the path length of the outside wheel. ATVs on paved surfaces have higher traction, which prevents the *necessary* skidding. This can make turning an ATV on paved surfaces unpredictable and unstable.

Another concern with House Bill 1445 is that it allows children ages 13 to 16 to operate ATVs on highways at speeds of up to 65 miles an hour if they have safety

certificates. Children can obtain these certificates after completing a four-hour certification course administered by the North Dakota Department of Parks and Recreation.

The Department of Health often looks to the American Academy of Pediatrics for recommendations about injury prevention standards for the safety of children. The American Academy of Pediatrics has expressed concern about children driving ATVs. The group of physicians states: "Children who are not licensed to drive a car should not be allowed to operate off-road vehicles. Off-road vehicles are particularly dangerous for children younger than 16 years who may have immature judgment and motor skills."

Parents often refer to state law for guidance regarding safe practices. With the passage of House Bill 1445, 13- to 16-year-old children could potentially be operating ATVs on highways that allow speeds of up to 65 miles an hour.

Because of the dangers to adults and children operating ATVs on highways, the Department of Health asks that you give House Bill 1445 a "Do Not Pass."

This concludes my testimony. I am happy to answer any questions you may have.

Testimony - House Bill 1445
Senate Transportation Committee
March 15, 2007

Testimony presented by Annette Behm-Caldwell
Dealer Principal – Open Road Honda, Mandan
Vice-President, North Dakota Powersport Dealer Association

The North Dakota Powersports Dealers Association (NDPDA) is a network of professional powersport dealers, dedicating time and resources to protect, preserve and expand their businesses and the organization associated with them.

The NDPDA recommends a Do Pass vote on HB 1445.

- ATV usage and in North Dakota continues to grow. Since the introduction of the Off Highway vehicle registration laws in 2005, the number of ATV registrations has increased.
- Most of the ATV use is in rural area where farmer/ranchers use ATV's to check livestock and fields. Quite often the fields are separated by roads and may be miles apart. Having access and the ability to ride on the roads allows the farmers/rancher easier access to their land and equipment.
- HB1445 would restrict the road use of Off Highway vehicles to those with a 350cc or larger engine. These units have higher seat heights and are more visible than 50cc street legal scooters and 250cc street legal motorcycles. ATV's 350cc and larger can maintain speeds from 45 mph to 65 mph.
- With the addition a horn and rear view mirrors as stated in this bill, ATVs would meet the same safety equipment parameters required for street legal motorcycles.

I thank you for your time and will address any questions you may have.