

2009 HOUSE TRANSPORTATION

HB 1182

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1182

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/19/09

Recorder Job Number: 7254

Committee Clerk Signature

Jeanette Cook

Minutes:

Representative Duane DeKrey, District 14: The impetus for this bill came from a constituent of mine. He said that everyone can agree that we always want people to wear their seatbelts. Countless studies have shown that people that have their seatbelts on during an accident are way better off than people who don't wear them. Our traditional approach to this in the state of North Dakota has always been to make it a violation if you don't wear your seatbelts. People will be punished for bad behavior, which is common way to handle things throughout the country. This constituent thought that we should give people the incentive to do the right thing. We could give an incentive to wear our seatbelts. Perhaps we could get our numbers to come up; and we could maybe save lives in the long-run. This is a simple bill. I understand that we may have some problems in implementation, but I think that the committee can work those out. The bill states that if you are pulled over for a point violation, and you are wearing your seatbelt, you will not lose that point. If it is more than a one point violation, the bill will reduce it by one point. The reason that I went that route, instead of money, is that the state needs its money. The fine would still be in place, but if the driver had their seatbelt on, he/she would still get a point off on the violation.

Representative R. Kelsch gave two hypothetical situations to see if she understood the bill correctly.

Representative DeKrey stated that she understood correctly.

Representative Gruchalla: We have a law in North Dakota that says that you are required to wear your seatbelt. So, this bill will actually reward people for following that law?

Representative DeKrey: Yes, that is the idea. We reward people for good behavior, instead of penalizing them for bad behavior. Usually we have had a bill before us that is called a "Primary Seatbelt Offense Law". That would give law enforcement cause to stop and cite you, if they see you without your seatbelt on. This would work just the opposite and encourage people to wear their seatbelts. Then if they are doing something wrong, they may have it in the back of their minds that it may cost them some money, but it won't cost them the points.

Representative Gruchalla: If this is a good idea, then shouldn't we also get points off for following the law and having our vehicles insured?

Representative DeKrey: I don't think so. I think that your personal liability is so great, that it would be very stupid not to have insurance on your vehicle.

Representative Gruchalla: Maybe insurance wasn't a good example. How about having your driver's license in possession or having a front license plate on your car? Then you wouldn't get a point off for not having a front plate on your car? I'm just wondering about the slippery slope of rewarding people for following the law.

Representative DeKrey: I understand your problem. That may be a valid argument. You have to decide if it is worth it to give an incentive and possibly get people to wear their seatbelts or not. That would be a policy decision that you have to make.

Representative Frantsovog: If a driver is speeding and gets a point violation, and the driver has his seatbelt on but the passenger doesn't, does that void the point reduction?

Representative DeKrey: I thought about that after I put the bill in. That would be an amendment that I would support, that all the passengers in the vehicle have to be in safety supports.

Representative Schmidt: Does the DOT have a record of what percentage of people in North Dakota don't wear seatbelts?

Representative DeKrey: I think they do. We could follow this law for two years, and if the percentage went up, we would know if it wasn't working.

Tracy Potter, Senator from District 35: Representative DeKrey approached me and said, "We can all agree that people should be wearing seatbelts." This bill would reward drivers for wearing seatbelts. It would be all carrot and no stick. I liked that. When government provides incentives for good behavior instead of only punishing bad behavior; we get more good behavior. It is that way with parents. It is that way with schools, and it should be that way with government. I urge this committee to give this "carrot" a Do Pass.

Representative Weisz also spoke in favor of HB 1182. He gave information that North Dakota is at about 82% participation seatbelt use. This is up substantially from where it was ten years ago. There is an incentive for states that reach the 85% level. There are Federal dollars that will kick in when a state reaches that level. This bill would reward those that wear their seatbelts. It is another tool that we use to encourage seatbelt use. By implementing this law we could possibly make the 85% without shoving something (a primary seatbelt law) down their throats. He would encourage a Do Pass on HB 1182.

Representative Gruchalla: Last session what was the dollar amount that the Federal Government would have given North Dakota if we had passed a primary seatbelt law?

Representative Weisz: I believe it was two and one-half million dollars per year.

Representative Gruchalla: So, North Dakota did not get the money, because we did not pass that bill?

Representative Weisz: That is correct. The money will also come, if North Dakota hits the 85%. Either you can pass the primary seatbelt law or reach the 85% participation. Either one will trigger the funds from the Federal government.

Chairman Ruby: Are there any other questions or any other support of HB 1182.

Chairman Ruby: Is there anyone here in opposition of HB 1182?

Chairman Ruby: Is there any neutral testimony on HB 1182?

Glen Jackson, North Dakota Department of Transportation, provided written testimony on HB 1182. See attachment #1. We do not oppose or support this, but feel that there are some pertinent things to be considered.

Representative Weiler: Are we in 82% compliance with the seatbelt law? Could you explain to me how you go about measuring that?

Glen Jackson: We have a survey study that is done by Great Plains every year.

Representative Weisz: I understand your concerns about (inaudible).....

Patti Rothmann, North Dakota DOT: We receive our violation convictions electronically. It would require new electronic programming to allow for the ticket to go on the record minus the point, if they were wearing their seatbelt. It is a programming issue.

Representative Delmore: How could you add points on if you were twelve points down?

You say that you can reduce the points accumulated by one, but even if you lose a point, you are not reducing anything, you are staying even with your twelve points.

Chairman Ruby: I think you accumulate points with a violation. So, if you get a point it will be reduced by this bill.

Representative Griffin: Currently do you need three points before it is reported and who sets that?

Patti Rothmann: Yes, it is three points, and I believe it is state law.

Representative Griffin: Would this law change what is reportable?

Patti Rothmann: It would, and it wouldn't. For instance, if you get a three point ticket and you were wearing your seatbelt, according to current law that three point ticket would be assessable to the insurance companies. However, if I am wearing my seatbelt, and this law passes, it then becomes a two point ticket. So, it would go to a portion of the driving record, that is not releasable to the public or to the insurance companies.

Representative Gruchalla: Mr. Jackson, did you look into how this will effect a commercial driver's license?

Glen Jackson: I don't know for sure. I will get that information back to you on a CDL specifically.

Representative Thorpe: In your opinion, would the primary seatbelt law or this law get us more compliance? I've always heard that you get more flies with honey.

Glen Jackson: I would rather not respond to that.

Chairman Ruby asked if there were further questions or anyone else to testify on HB 1182?

Chairman Ruby: We will hold this bill to see if there is a fiscal note. This will close the hearing on HB 1182.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1182

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/22/09

Recorder Job Number: 7612

Committee Clerk Signature

Jeanette Cook

Minutes:

Chairman Ruby asked the committee's wishes on HB 1182.

Representative Weiler moved a Do Not Pass on HB 1182.

Representative R. Kelsch seconded the motion.

Chairman Ruby asked if there was more discussion.

Representative Gruchalla: I believe that we should not reward bad behavior. I will not support the bill.

There was discussion about punishment verses rewards. Some felt that wearing a seatbelt is a behavior choice that we should encourage, therefore, a reward would be worth a try. Some felt that we should not reward people for expected behaviors.

Representative Vigesaa: I spoke with the highway patrol, and their concern was that at night they wouldn't be able to tell if they were wearing their seatbelt or not.

Representative Weiler: I don't see why that would be relevant.

Representative Vigesaa: If they were speeding at night, they would have time to snap a seatbelt on. Then they would get one point less if they are not seatbelt users.

Representative Weiler: If this bill will encourage people to buckle up, I'm all for that. I just don't see that this bill is real workable.

Chairman Ruby: If there is no further discussion, the clerk will take the roll for a Do Not Pass on HB 1182.

A roll call vote was taken. **Yea: 7 Nay: 6 Absent: 1 (Representative Schmidt)**

Representative Weiler will carry the HB 1182.

FISCAL NOTE
Requested by Legislative Council
02/25/2009

REVISION

Bill/Resolution No.: HB 1182

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$48,713		
Appropriations				\$48,713		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill allows for a one point reduction to an offense for which points are assigned if the individual is wearing a seatbelt. Software modifications would be needed to allow for this change.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill requires the addition of a new field (Seat belt) to the DL3 database and conviction entry screens, the Court's UCIS application and both the City of Grand Forks and Fargo's transfer programs. The three noted courts will have programming changes required on their systems as well in addition to the Highway Patrol's and electronic citation program.

If Seat Belt is a 'Y' and the conviction is a point violation, subtract 1 from points and display 'SB' after the conviction description. The description logic will need to be addressed in 14 separate programs.

The larger issue is to insure DOT receives the seatbelt indicator from the 200+ county and municipal courts.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

This bill provides no additional revenue.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

DOT Costs Estimates:

Software modifications expenses:

\$9,120.00 (110 IT Programming hrs @ \$72 = \$7,920.00; 25 DOT IT @ \$48 = \$1,200.00)

Printing Expenses:

\$16,193.00 (Printing Costs for Uniform Complaint and Summons form based on the last document modification done in 2008)

DLTS staff to manage increased workload, verify driving record submission and proof document trail is not quantified, as the extent of the additional work is unknown at this time.

Highway Patrol Cost Estimate:

\$12,000, The HP would need to update our electronic citation system to track seatbelts worn. A new field would need to be added to the citation screen, the printed copy of the citation, and also a report would need to be created for tracking and statistical purposes. Our web-citation application would also need to be updated to display and print the new field. Another area of the process that would need to be updated is the transfer file from our citation system to UCIS. The process would need to be adjusted to send the new field. UCIS would also need to be modified to accept the new field.

UCIS Cost Estimate:

\$10,000, It is estimated that any software modifications would be similar to the DOT and HP.

Grand Forks Cost Estimate:

\$300.00 (8 IT Hours @ 37.50 for software modifications)

Fargo Cost Estimate:

\$1100.00 (30 IT Hours @ \$36.65 for File conversion, programming changes, and testing)

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

\$48,713 - Appropriations to cover the costs of the initial startup are necessary to ramp the program up for implementation.

One time appropriations needed are for the software modification and printing costs listed in section 3b.

Name:	Glenn Jackson	Agency:	NDDOT
Phone Number:	328-4792	Date Prepared:	02/26/2009

FISCAL NOTE

Requested by Legislative Council

02/25/2009

REVISION

Bill/Resolution No.: HB 1182

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Expenditures				\$48,713		
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\$48,713 - Appropriations to cover the costs of the initial startup are necessary to ramp the program up for implementation.

One time appropriations needed are for the software modification and printing costs listed in section 3b.

Name:	Glenn Jackson	Agency:	NDDOT
Phone Number:	328-4792	Date Prepared:	02/25/2009

FISCAL NOTE
Requested by Legislative Council
01/21/2009

Bill/Resolution No.: HB 1182

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$9,120		
Appropriations				\$9,120		

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill requires the addition of a new field (Seat belt) to the DL3 database and conviction entry screens, the Court's UCIS application and both the City of Grand Forks and Fargo's transfer programs. The three noted courts will have programming changes required on their systems as well in addition to the Highway Patrol's electronic citation program so fiscal impacts should double. For example, the description logic will need to be addressed in 14 separate programs.

The larger issue is to insure DOT receives the seatbelt indicator from the 200+ county and municipal courts.

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This bill provides no additional revenue.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Software modifications expenses are as follows:

110 IT Programming hrs @ \$72 =	\$7,920.00
25 DOT IT @ \$48 =	\$1,200.00
Total =	\$9,120.00

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

One time appropriations needed are for the software modification listed in section 3b.

Name:	Glenn Jackson	Agency:	NDDOT
Phone Number:	328-4792	Date Prepared:	01/22/2009

Date: 1-22-09

Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1182

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Don't Pass Amended

Motion Made By Weiler Seconded By Kelsch

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman		✓	Representative Delmore		✓
Rep. Weiler - Vice Chairman	✓		Representative Griffin		✓
Representative Frantsvog		✓	Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	A	
Representative Sukut	✓		Representative Thorpe		✓
Representative Vigesaa	✓				
Representative Weisz		✓			

Total Yes 7 No 6

Absent 1

Bill Carrier Weiler

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

REPORT OF STANDING COMMITTEE (410)
January 22, 2009 5:55 p.m.

Module No: HR-13-0779
Carrier: Weiler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1182: Transportation Committee (Rep. Ruby, Chairman) recommends DO NOT PASS
(7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1182 was placed on the
Eleventh order on the calendar.

2009 SENATE TRANSPORTATION

HB 1182

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1182

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: February 26, 2009

Recorder Job Number: 9756

Committee Clerk Signature *Jody Hauge*

Minutes:

Chairman Gary Lee opened the hearing on HB 1182 relating to point reduction for safety belt use.

Rep. DeKrey introduced the bill and told the committee that he had an amendment to offer but he would have to bring it to the committee later. The amendment makes this bill a better bill.

What HB 1182 does is give a citizen that gets stopped that has their seat belt on a point. It gives an incentive to wear your seat belt. Law enforcement the last sessions have asked for a primary seat belt law that if you don't have it on they can pull you over and ticket you. In the last 2 or 3 sessions the house has heard this bill and it has failed every session. I don't think this legislature is going to be passing the primary offense bill very soon. 98% of the time it is smart to wear your seat belt. The state is at 82.5% usage and if we could get to 85% there would be more Federal money that we could get for safety grants. This bill rewards people for good behavior.

Rep. DeKrey explained the amendment: The first part is officers' discretion and that is important. "In the discretion of the law enforcement officer who issued the citation for the offense, that officer records on the citation that" The second thing the amendment does is:

"An individual does not qualify for a point reduction if the offense for which points are assigned resulted in or is related to an accident or is related to the consumption or possession of an alcoholic beverage. In addition, an individual does not qualify for a point reduction more than once a year." As for the Fiscal Note, most of that is IT cost and we think it is a bit high.

Senator Fiebiger I think the amendments strengthen the bill but are we incentivising people to do the wrong think?

Rep. DeKrey In rare cases you could be right. I don't think most people go out and purposely break the law to get their point for the year.

Senator Fiebiger We wouldn't pass the primary seat belt law but if you are wearing your seatbelt we are going to reward you for breaking another law. It doesn't seem very consistent.

Rep. DeKrey You have to weigh the cost and benefit factor. The benefit is saving lives and more safety funds money.

Senator Nething I liked the original bill, as I understand it, "it says not in violation" in other words if you are in violation you don't get it, period! I don't know if we gain much with the amendments.

Senator Potter Is this an absolute discretion.

Rep. DeKrey Colonel Nelson and I talked about that and it is absolute discretion.

Discussion followed on discretion.

Senator Potter testified in support of HB 1182 with amendments. I like incentives, it is not a reward it is just a modification of the penalty. I don't see a downside to this bill.

Senator Fiebiger Are other states doing this?

Senator Potter Wy. has a discount in the fine if you are wearing your seat belt. I don't have any research on other states.

Opposing testimony

Major Neil Johnson of the ND Highway Patrol testified in opposition to HB 1182. Written testimony #1.

Senator Fiebiger Do you think the amendments will change your position on this bill.

Major Johnson I still see a lot of problems and I would still be opposed to the bill as amended.

Senator Nodland Would you rather have the primary seat belt law?

Major Johnson We testified in support of the primary legislation.

Senator Potter Are there areas where patrolmen have discretion?

Major Johnson Yes

Senator Potter Does the child restraining law have a point violation.

Major Johnson Yes that would be a one point violation.

Steve Kilde Bismarck Police Department testified in opposition to HB 1182. The amendments make it more tolerable but we still have a problem with the bill. Concerns of the discretion part of the bill and we may end up in court defending our discretions. Also, if we reward for being in compliance is it opening a Pandora box?

Discussion followed on the expectation of the officers out on the street. Lt. Kilde told the committee that Bismarck Police Dept. has operational guidelines and most departments have standard operating procedures in place.

Linda Butts, Deputy Director of Driver & Vehicle Services at the ND Department of Transportation testified in opposition to HB 1182. Written testimony #2. She also clarified the Federal money that we would receive if ND passes a primary seat belt law. She also said that Wy. is the only state that has an incentive and it is a reduction of fine not points.

Senator Potter Did your survey ask anything about incentives?

Linda Butts We did not.

Senator Lee How do we rate in % of seat belts use versus other states?

Linda Butts We are at 83% and the national average is 83%. We are right at national average.

Senator Marcellais Could we give an incentive like a certificate to someone who is wearing a seat belt.

Linda Butts We are not against incentives but this bill is a problem.

Karen Mongeon, ND Department of Transportation talked about educational safety programs that they have been doing. North Dakota could have received Federal Funding for safety grants if we had 85% seat belt use for 3 consecutive years. She said that we have not achieved this.

Senator Marcellais Do you do education in schools?

Karen Mongeon Yes we have done this but it is up to the community to decide how to educate.

Senator Potter Is the 6.1 Million guaranteed?

Karen Mongeon Once the primary seat belt law is passed and implemented by July 1, then we were eligible to apply for the federal funds and then we would have been eligible for the 6.1 Million. We would have received within this fiscal year.

Senator Lee Is there other incentives that other states are using that are working to up the percent of seat belt users.

Karen Mongeon The only intervention that is documented in the literature in terms of effectiveness is the primary seat belt law. That has shown to increase seat belt use up to 10%.

Senator Lee You would expect ND to go up to 10% even though we are at the national average of seat belt usage?

Karen Mongeon Research shows we would likely achieve up to a 6% increase.



Senator Lee closed the hearing on HB 1182.



2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1182

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: February 26, 2009

Recorder Job Number: 9802

Committee Clerk Signature

Jody Hauge

Minutes:

Committee Work on HB 1132.

Senator Lee handed out the amendment that Representative DeKrey brought to the committee. Attachment #1

Senator Nething I have mixed emotions about this bill. I like the intent and appreciate the award system but my concern is what it does for local law enforcement.

Senator Potter moved the amendment 90394.0101.

Senator Fiebiger seconded.

Senator Potter I believe that the testimony that we received is virtually all taken care of by the amendment offered.

Senator Nodland Does the amendment answer Major Johnson's questions on #1 and #3?

Senator Potter I believe the amendments do answer those.

Discussion followed on discretion of the officers and also discussed rewarding the bad drivers.

Senator Potter Law Enforcement doesn't want discretion but they can get some direction by putting Standard Procedures in place. Amendment improves the bill.

Roll call vote: 4-2-0. Amendment passes.

Senator Nething moved a do not pass on HB 1182 as amended.

Senator Nodland seconded.

Roll call vote: 3-3-0. Failed.

Senator Potter moved a Do Pass on HB 1182 as amended.

Senator Fiebiger seconded.

Roll call vote: 3-3-0. Failed

Senator Potter moved a no recommendation on HB 1182 as amended.

Senator Fiebiger seconded.

Roll call vote: 6-0-0

Senator Potter will carry the bill.

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1182

Page 1, line 7, after "and" insert ", in the discretion of the law enforcement officer who issued the citation for the offense, that officer records on the citation that"

Page 1, line 9, after the underscored period insert "An individual does not qualify for a point reduction if the offense for which points are assigned resulted in or is related to an accident or is related to the consumption or possession of an alcoholic beverage. In addition, an individual does not qualify for a point reduction more than once a year."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1182: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1182 was placed on the Sixth order on the calendar.

Page 1, line 7, after "and" insert ", in the discretion of the law enforcement officer who issued the citation for the offense, that officer records on the citation that"

Page 1, line 9, after the underscored period insert "An individual does not qualify for a point reduction if the offense for which points are assigned resulted in or is related to an accident or is related to the consumption or possession of an alcoholic beverage. In addition, an individual does not qualify for a point reduction more than once a year."

Renumber accordingly

2009 TESTIMONY

HB 1182

Attachment # 1

HOUSE TRANSPORTATION COMMITTEE
January 19, 7:00 p.m. Ft. Totten Room

North Dakota Department of Transportation
Glenn Jackson, Motor Vehicle Division Director

HB 1182

Good evening, Mr. Chairman and members of the committee. I'm Glenn Jackson, Drivers License and Traffic Safety Division Interim Director at the North Dakota Department of Transportation (NDDOT). Thank you for giving me the opportunity to present information to you today.

The DOT is committed to improved safety on our highways. We applaud any effort to that end and so we want to recognize the intent of this bill.

House Bill 1182 focuses on providing positive reinforcement for seat belt use. Seat belt use is one of many safe driving practices promoted by NDDOT. Others include driving the speed limit, never drink and drive, and slow down in construction zones.

The NDDOT has several concerns about rewarding individuals with decreased penalties for wearing their seat belt. First, we are concerned that we will mask the true driving record of an individual. When an individual has accumulated three points in reduction penalties, it becomes a matter of public record. By decreasing any penalty by one point, you will remove the public record if it decreases that individual's point accumulation from three to two points.

Another scenario of concern is the high-risk driver who has accumulated the 12 points for a license suspension. Wearing a seat belt can reduce the points accumulated by the individual by one, thereby allowing a high risk driver to continue driving.

From the viewpoint of NDDOT, wearing a seat belt is as important as driving sober, driving the speed limit, and other safe driving behaviors. Wearing a seat belt saves lives, just as following so many other safe driving practices.

Finally, there is likely a fiscal note with this proposal since it would involve modifications to three state agencies: the Highway Patrol, the Traffic and Criminal Software system, and the court's Uniform Court Information System.

Thank you, Mr. Chairman. I would be happy to take any questions.

#1

**Testimony – House Bill 1182
Senate Transportation Committee
Submitted by
Neil Johnson, NDHP**

February 26, 2009

Good morning, Mr. Chairman and members of the Senate Transportation Committee. I am Major Neil Johnson, Field Operations Commander for the North Dakota Highway Patrol. I am here today to present testimony in opposition to House Bill 1182. We realize the intent of this bill is to promote safety belt usage by providing positive reinforcement through a single point reduction if stopped for another violation while a safety belt is worn. Although the intent is commendable, we have concerns regarding implementation and how this will impact law enforcement operations.

My concerns are noted in the form of questions or scenarios for you to consider, but I am not asking you to answer my questions.

1. The person that receives multiple citations in one traffic stop. Is it the intent that the driver receives a 1 point reduction for each violation? If not, which offense will receive the reduction?
2. Should there be a maximum number of times you can have a 1 point reduction, i.e. the habitual violator that always wears their safety belt?
3. Will this law pertain to citations that result from the investigation of a traffic crash even though the offense may have contributed directly to the crash, to include fatality crashes?
4. How will situations be handled where law enforcement cannot confirm whether or not a safety belt was worn, i.e. some nighttime traffic stops and some traffic crashes? Will the lack of a citation be interpreted as the driver was in compliance with the safety belt laws?

The proposed legislation as it is currently written would allow a one point reduction to the driver even if the driver was in violation of the child restraint law for passengers age 17 or younger which are cited under 39-21-41.2.

One additional concern is the process for reporting to the courts and ultimately to the Drivers License Division whether or not a person was in compliance of the safety belt laws. If this process requires a change in citations and electronic reporting documents, the department will have additional programming costs to implement these changes.

Thank you, Mr. Chairman. I will be happy to answer any questions you or the committee may have.

#2

SENATE TRANSPORTATION COMMITTEE
February 26, 2009, 10:15 a.m.
Lewis & Clark Room

North Dakota Department of Transportation
Linda Butts, Deputy Director, Driver & Vehicle Services, NDDOT

HB 1182

Good morning, Mr. Chairman and members of the committee. I'm Linda Butts, Deputy Director of Driver & Vehicle Services at the North Dakota Department of Transportation (NDDOT). Thank you for giving me the opportunity to present information to you today.

The NDDOT is committed to improved safety on our highways. We applaud any effort to that end and so we want to recognize the intent of this bill. However, based on the specifics of this bill, the NDDOT opposes it.

Seat belt use is one of many safe driving practices promoted by NDDOT. Others include driving the speed limit, never drinking and driving, and slowing down in construction zones.

The NDDOT has several concerns about rewarding individuals with decreased penalties for wearing their seat belt.

- We are concerned about masking the true driving record of an individual. When an individual has accumulated three points in penalties on his or her record, it becomes a matter of public record. By decreasing any penalty by one point, NDDOT believes the true driving record is distorted.
- Another concern is the high-risk driver who has accumulated the 12 points for a license suspension. Wearing a seat belt can reduce by one the points accumulated by the individual, therefore allowing the high risk driver to continue driving.
- Wyoming is the only state in the union that incentivizes seat belt use. When we contacted them, they could not attribute any increase in safety belt use to this law.
- Additionally, the NDDOT is concerned with the potential for driver record error. In order to implement this bill, a new set of 67 possible citations would need to be created within the current system. If a patrolman or court errs in documenting the exact seatbelt citation, the driver's record would be in error, either under or over reporting the points. We anticipate extensive man-hours spent ensuring this change does not negatively affect driver records.

From the viewpoint of NDDOT, wearing a seat belt is as important driving the speed limit, avoiding drinking and driving and other safe driving behaviors. Wearing a seat belt saves lives, but this a very cumbersome way to encourage such behavior.

Finally, there is an updated fiscal note with this proposal since it involves modifications to additional state agencies/systems: the Highway Patrol, the Traffic and Criminal Software system, and the court's Uniform Court Information System.

Thank you, Mr. Chairman. I would be happy to take any questions.