

2009 HOUSE TRANSPORTATION

HB 1569

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1569

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02/06/09

Recorder Job Number: 8943

Committee Clerk Signature

*Jeanette Cook*

Minutes:

**Representative Kim Koppelman** introduced HB 1569. He explained that the bill is fairly lengthy, but only has a couple of changes from current law. The bill comes up because of a new industry all over the world that is producing new types of vehicles. The new vehicles, many of which are three wheel vehicles and are enclosed or semi-enclosed, are not falling into a current category that allows them to be licensed. One of the problems coming up is the size of the tires, not 10 inch but 8 inch. There are questions whether they should be licensed as a car or a motorcycle. HB 1295 may address some of the same concerns as this bill and may make this bill unnecessary with a minor amendment. He feels that we should allow business in North Dakota to grow and do new things they haven't done before. This would allow citizens to drive vehicles that they haven't used before, but have real promise in the future. The bill does two things. It allows eight inch wheels and also has a provision that says that the driver doesn't need a motorcycle endorsement to drive them.

**Representative Delmore:** Exactly how would these vehicles be licensed under this bill?

**Representative Kim Koppelman:** That would depend on what you do with these two bills, HB 1569 and HB 1295. The intent of 1295 is to create a new classification of vehicle. I think that these vehicles that we are describing today would fit under that with the amendment that

we are suggesting. This bill would call for them to be licensed as a motorcycle, since that is the only provision that we have, but that the driver would not be required to have a motorcycle endorsement on his/her driver's license. Driving them is very different than driving a two wheeled vehicle.

**Ken Jones, a scooter dealer from Fargo**, spoke in support of HB 1569 and provided picture examples of the some of the types of vehicles described in the bill. See attachment #1 for testimony and attachment #2 for pictures. He emphasized that he would like to see legislation that brings North Dakota in line with the rest of the nation and bring its citizens more fuel efficient vehicles.

**Representative Gruchalla:** Are you saying that the red vehicle (see attached pictures #2) is licensed and certified to operate in California on all roadways?

**Ken Jones:** I doubt that it would be approved for Freeway because in California the freeway laws have a minimum of 350cc and that is a 150cc. In North Dakota we do not have a minimum cc for our freeways; we just require a minimum of 40 mph, which that will exceed without any issue.

**Representative Gruchalla:** We do not have that minimum in North Dakota any longer.

**Representative Delmore:** How many of these vehicles do you have now?

**Ken Jones:** I only have one now. I won't bring any more in, if they are not legal to license in North Dakota. That doesn't make any sense when they are approved by the federal DOT.

**Representative Potter:** Do any of these vehicles have seatbelts?

**Ken Jones:** The ones that are reverse trikes with two wheels in front and one behind all have seatbelts.

**Representative Thorpe:** What is the track width of the back wheels on the red vehicle? I assume those are the eight inch wheels.

**Ken Jones:** They are eight inch diameter. They do meet the minimum track width which is 31.5 in North Dakota. It meets all aspects except the rim size in the rear.

**Glenn Jackson, Interim Director, Drivers License and Traffic Safety Division for the DOT,** spoke in opposition to HB 1569. See attachment #3. He added that the DOT opposes this because of what it is doing to trike riders, but we don't oppose the idea of finding a way to register these vehicles in some fashion on the highways.

**Representative Delmore:** Do you have an amendment that would do this? Is there some way that we can find another place to classify them?

**Glenn Jackson:** I have not participated in conversations yet to created an amendment, but would certainly be willing to work on that.

**Representative Gruchalla:** Would this bill take us outside current federal guidelines?

**Glenn Jackson:** It depends on what classification we give the vehicle. We do not want to register a vehicle on the highways that doesn't meet with the standards. We have some vehicles coming from other countries that don't meet certain standards. An off-highway vehicle is another category. Perhaps we could register them as an off-highway vehicle with certain limitations. There are ways to do it, but there are things that we need to **prevent from** happening for safety reasons.

**Representative Gruchalla:** To get this done, we have to look to you, the experts, we have to sit down and explore the options. Have you explored this?

**Glenn Jackson:** We have spent considerable time trying to understand how to place these inside of the code. We have come up with ideas of OHVs and applying these in that section of the code. I would be happy to bring those back and share those with you.

**Representative Weisz:** We are working with the DOT to address this. We want to be careful not to carve an outline to make it fit an individual vehicle, so that we can insure that we can

cover different types of vehicles. We also want to make sure that the vehicles meet the safety standards. This has been started.

**Representative Delmore:** I think we need to have a solution, not just say that maybe we can visit this again in two years.

**Representative Gruchalla:** Last session we raised the speed limit on the highways that we are allowing the operation of off-highway vehicles. So, we are allowing them on state, county, and federal highways and those vehicles are not capable of being licensed as either a motorcycle or a motor vehicle. Is that correct?

**Glenn Jackson:** That is correct.

**Representative Gruchalla:** So, at that time did we violate the standards that we set for licensing motor vehicles?

**Glenn Jackson:** We did not, in that they are off-highway vehicles. They still have access to the highways, but have a separate registration. That is the problem; we do not know how to place those vehicles. What level of safety do we need to apply? That is a concern.

**Representative Gruchalla:** The off-highway vehicles don't meet the safety standards, but they are operating on the same highways as a regular registered motor vehicle.

**Glenn Jackson:** That is correct; that decision was made.

**Representative Schmidt:** At one point we we approved those small cars in Fargo. Is there a safety record on those cars?

**Glenn Jackson:** I do not have access to any information as far as the safety of those vehicles and how they perform.

**Representative Weisz:** Do you have any information on the "cute little yellow car" (see attachment #2), if it has been safety tested or meets certain standards?

**Glenn Jackson:** To the best of our knowledge it has not been tested or certified?

**Representative Weisz:** They cannot be licensed unless they are tested?

**Glenn Jackson:** That is correct. We really are looking for a way to register these vehicles.

We are not trying to stop a business from growing. The DOT does not want to prevent the registration of vehicles. Right now a motorcycle has handlebars, and these vehicles have steering wheels. They do meet the three wheel requirement, but we can't register them.

There is the whole safety issue. We are trying to adapt to changing time. But, we can't step outside of the law.

**Glen Jackson** gave an example of a fish house that previously had not needed registration.

Now, some fish houses have a whole camper built into them, so they are registered as travel trailers.

**Chairman Ruby:** For the committee's information, I have purposely been holding HB 1295, so that we can look at these two together and try to find something that works for both.

**Michael Jay, the Executive Director of ABATE (American Bikers Aimed Towards Education) of North Dakota,** spoke in opposition of HB 1569. See attachment #4.

**Representative Delmore:** When you refer to your 2500 members, is that the number of people that has taken your safety course or the number of instructors that you have?

**Michael Jay:** The 2,500 are just the number of members, not the numbers we have trained. Last year we trained over 2,400 people. In the last ten years we have trained close to 40,000 people in the state of North Dakota. We anticipate training about 3,000 this year. I'm not here to stop the registration of vehicles such as "the little yellow car". The main concern is that these vehicles should not be classified as a motorcycle. This bill would allow anyone with a regular car license could jump on a three wheeled vehicle and operate it. I can assure this committee that any person with a regular car license cannot jump on a three wheeled **real**

motorcycle with the displacement of 1300 to 1400 cubic inch and treat it like a car. It will not respond like a car. It has all the inherent risks that we have when riding a motorcycle.

**Chairman Ruby:** Are you are basically testifying to the effect of the bill as it is written and what it does to the other vehicles, not so much opposed to these type of vehicles that we are talking about?

**Michael Jay:** I am opposed to the way that it strikes the language from the operation of a three wheel motorcycle and the definition that we have now. The only concern that I have about ten inch diameter to eight inch is the way that they are classified and put on the road. Motorcycling has increased and with fuel economy the way that it was last year, there was a major increase in scooter sales. We have stepped up as an organization and now incorporate training for people with scooters in this year's classes. We are concerned with the low quality of vehicles that come from other countries.

**Representative Gruchalla:** Did you find any data about the eight inch verses the ten inch wheels?

**Michael Jay:** We didn't find any scientific data where the wheels had been tested.

**Dennis Dollinger, Bismarck retired truck driver, previous law enforcement officer, and member of Free Spirit Trikers with a lot of safety training,** spoke in opposition to HB 1569.

He explained that a trike is a three wheeled vehicle. Some that are being driven have a Volkswagon or Covair engine and running train. The engine is in the back. It has two seats. Basically, they have a fiberglass cowling that is not enclosed. The characteristics of handling are completely different than a four wheel vehicle. They have to be street legal and the operator must have a class M license. The concern of his group is safety, and they think that

the operators of these vehicles should have training and have to pass a test. Mr. Dollinger

showed an eight inch disk, which is the proposed rim size for the wheels. They think that is very small and no necessarily safe to put out into traffic.

**Dennis Dollinger** also provided a number of short testimonies in opposition to HB 1569. See attachment #5.

**Representative Thorpe:** Do you have any literature or evidence that the eight inch wheel is not as safe as the ten inch on a bike or trike?

**Dennis Dollinger:** No, I don't.

**The hearing was closed on 1569.**

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1569

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02/13/09

Recorder Job Number: 9495

Committee Clerk Signature

*Janette Cook*

Minutes:

**Chairman Ruby** brought HB 1569 before the committee.

**Representative Weiler** moved a Do Nor Pass on HB 4569.

**Representative Griffin** seconded the motion.

A roll call vote was taken. **Aye 14 Nay 0 Absent 0**

**The motion passed.**

**Representative Weisz** will carry the bill.

Date: 2-13-09

Roll Call Vote #: 1

### 2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1569

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 Griffin

| 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   | ✓   |    |
| Representative Sukut           | ✓   |    | Representative Thorpe    | ✓   |    |
| Representative Vigasaa         | ✓   |    |                          |     |    |
| Representative Weisz           | ✓   |    |                          |     |    |
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Total Yes 14 No 0

Absent 0

Bill Carrier Weisz

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

**REPORT OF STANDING COMMITTEE**

**HB 1569: Transportation Committee (Rep. Ruby, Chairman) recommends DO NOT PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1569 was placed on the  
Eleventh order on the calendar.

2009 TESTIMONY

HB 1569

Ken Jones

HB 1569 2-6-09  
Attachment #1

My study and passion with 3 wheel vehicles has existed for over 30 years and is attributed largely to my attraction to the fuel efficiency of the units. These units are able to obtain the greatest possible mileage due to weight, streamlining and efficiency. With the ever increasing awareness of a decreasing supply of fossil fuels it is necessary to bring our laws into line with the needs of today. With the greater distances that we are required to travel in North Dakota mileage is fuel efficiency should obtainable for as many residents as seek it.

3 wheel vehicles have been in existence since 1833(a 44 passenger trolley). Used extensively in Europe some common names in 3 wheel vehicles that we are familiar with include Benz, the predecessor to Mercedes Benz and BMW. When today's manufacturers attempt to show what they can accomplish is fuel efficiency they often if not usually develop 3 wheelers. Most recent manufacturers in this category include Mercedes Benz, GM, Ford and VW.

The most innovative vehicles on the horizon include the Carver, Aptera, Zap Alias, EMC3, Venture, XR-3 among others. These accomplish mileage from 60 to 230 miles per gallon. The Smart Car, a miniscule 4 wheel car, in spite of its size has an EPA in the low 40s. These vehicles offer the stability of a 4 wheel vehicle while offering far superior mileage. They need to continue to be licensed as a motorcycle since they have less than 4 wheels. However the operation of these vehicle do not warrant the requirement of a motorcycle endorsement to operate since they do not possess the same handling characteristics of a motorcycle. Other states such as California already no longer require the motorcycle endorsement on 3 wheel vehicles. Legislation is now pending in other states such as Washington to create the same type of legislation.

The second part of this bill includes the revision of the law regarding wheel size. Currently a 1975 law requires a minimum wheel size of 10" which in all probability was enacted to eliminate mini bikes from the street do not seem to apply to 3 wheel vehicles since you have stability from 3 wheels rather than 2. One of the vehicles on your handout is fully approved federally and in every other state that I am aware of, but not is North Dakota since the rear wheels are 8" rather than 10". We need to bring our legislation in line with the rest of the nation and what makes sense for the residents of our state.

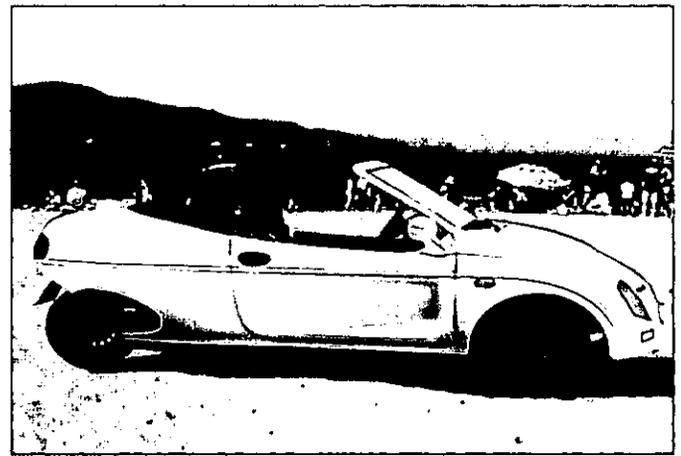
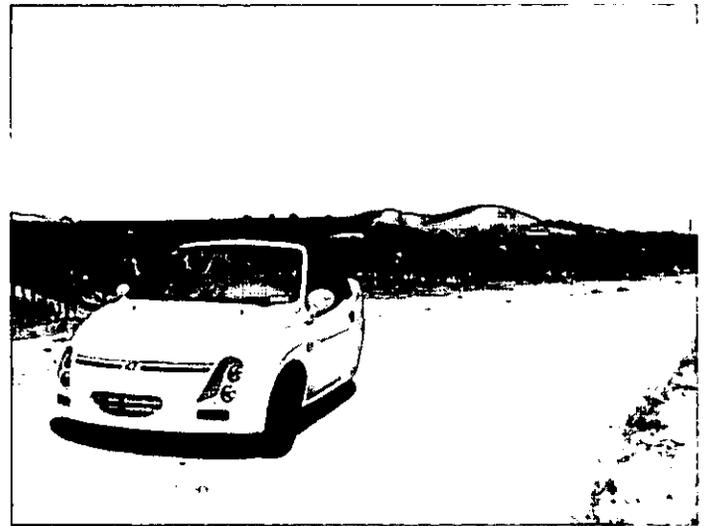
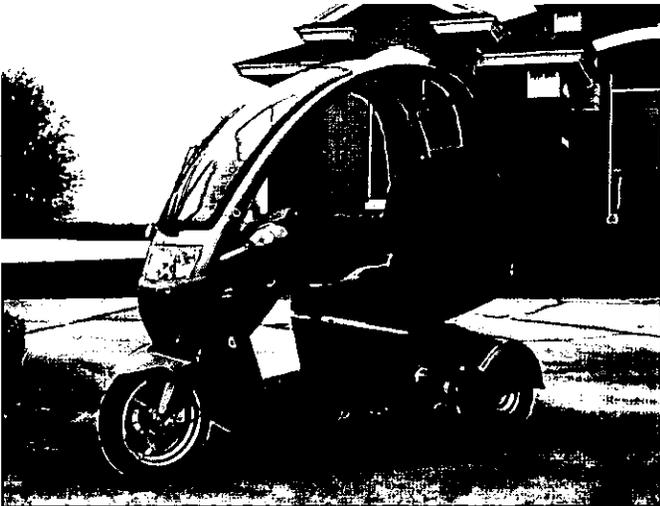
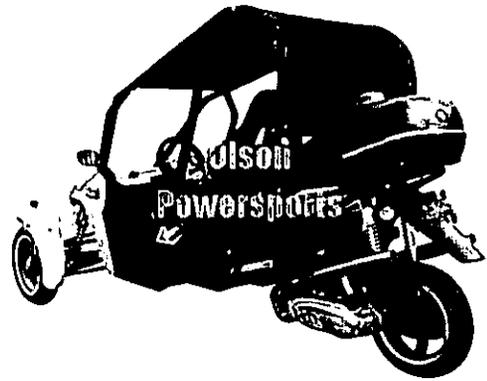
# Attachment #2

# House Bill 1569

**Purpose:** To bring North Dakota's Cycle and scooter laws up to date and make it more compatible with the high mileage and fuel efficient 3 wheel vehicles that are being developed and put into use in America and around the world. These vehicles are cutting the use of fossil fuels by achieving 60 to 80 miles per gallon with total stability.

**Licensing/Operation:** When dealing with the operation of a 3 wheel vehicle the operation and handling characterizes are not significantly different that that of 4 wheels and make the motorcycle endorsement requirement for the operation seem unnecessary. Other states such as California already follow this policy (one of the toughest regulatory states).

**Wheel size:** The 1975 law that requires a minimum wheel size of 10" was fine for 2 wheel vehicles but 3 wheel vehicles with a trike pattern and 2 wheels in back again are unnecessary (see red unit below)



# Attachment #3

## HOUSE TRANSPORTATION COMMITTEE

February 6, 2009

10:00 a.m. Fort Totten Room

**North Dakota Department of Transportation  
Glenn Jackson, Interim Director, Drivers License and Traffic Safety Division**

**HB 1569**

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

The NDDOT opposes HB1569. This bill as written would eliminate a motorcycle operator license being issued to individuals who own trikes with three wheels and motorcycles with three wheels. It would create a situation in which these vehicles would be registered as motorcycles, but the operator would only be required to have a Class D license (a license to drive automobiles). Trikes and three wheeled motorcycles require handling skills different from an automobile. Redefining motorcycle to exclude trikes and three wheeled motorcycles poses a safety concern. Forty-one states responding to an AAMVA survey define motorcycle as a vehicle with two or three wheels excluding farm tractors.

Currently, the requirements for motorcycles are to have ten inch rims. Changing this to eight inch rims would potentially add a different type of vehicle than the current motorcycle and opens the door for other types of vehicles to be classified as motorcycles. This raises safety concerns pertaining to road worthiness. We suggest modifying the off highway section to support an eight inch rim two-wheel motorcycle.

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

# Attachment #4

Mr. Chairman and fellow committee members:

For the record, my name is Michael Jay. I am the Executive Director of ABATE of North Dakota.

ABATE, whose acronym stands for American Bikers Aiming Towards Education, has been teaching motorcycle safety to the citizens of North Dakota since 1978. ABATE currently holds the contract with the Traffic Safety Office of the North Dakota Department of Transportation to provide training for motorcyclists statewide. ABATE of North Dakota opposes HB1569. This bill, as written, would eliminate a motorcycle operator license being issued to individuals who own trikes with three wheels and motorcycles with three wheels. It is of our professional opinion, as Motorcycle Safety Foundation Rider Coaches, that these vehicles should still require a class M license to operate. In most part, the trikes in today's market start their life as a two wheeled motorcycle. They are, then, converted to three wheel vehicle by adding an automotive style rear-end. This changes the way the motorcycle handles. A person has to remember, this is still a motorcycle and, as such, still has all of the risk associated with riding motorcycles. One example of the way a 3 wheeler handles differently would be improper cornering which could cause the motorcycle to "lift up" on one side adding the potential for a roll over . We see no comparison between a three wheeled motorcycle and an automobile. We also

believe that training by the North Dakota Motorcycle Safety Program on any form of motorcycle plays an important aspect of reducing motorcycle crashes in the state of North Dakota.

We are also opposed of changing the requirements of a motorcycle rim. Current requirements for motorcycle rims are 10 inches. We feel changing this law to 8 inches will raise safety concerns of different types of vehicles other than the current legal motorcycles to be classified as motorcycles and have future concerns of what will be deemed road worthiness.

On behalf of the 2,500 plus members of ABATE of North Dakota, we would ask this committee for a do not pass on HB 1569.

Mr. Chairman and fellow committee members, I thank you for your time and I stand before this committee for any questions.

# Attachment # 5

From: Deb Jose, President Free spirit Trikers  
Sent: Sunday, February 01, 2009 10:48 AM  
Subject: Re: Free Spirit legislation

I also am opposed to the bill as I believe it's a safety issue. Without the motorcycle test and studying the way a motorcycle drives differently on the road, the different hazards that are present only for a motorcycle I don't think it is very safe. From my point of view I believe if Dennis is willing to speak on this issue that would be fine.

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From: Jeremy Ehret  
Sent: Sunday, January 25, 2009 6:40 PM  
Subject: RE: Survey for legislation

I think that by having the Class M requirement; folks need to take the exams and by doing so learn a lot about motorcycle safety. I have had my Class M ever since I was a teenager in Montana. When I lost it after becoming a North Dakota resident, I took the ABATE course and even being a veteran motorcycle driver I learned some more. What a great course they offer. I encourage everyone I meet that is thinking about a Class M to take the ABATE course. An analogy that I would use is just cause you have a pilot's license for single engine plane doesn't mean you can fly a helicopter or jet. Just my opinion.

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From: Ann Hooey  
Sent: Friday, January 23, 2009 11:36 PM  
Subject: RE: Survey for legislation

I feel that a person should have a M license. You do have to drive differently than a car. I think it would be more dangerous to let these people out on the streets that has not any training at all.

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From: Norm Haakenson  
Sent: Thursday, January 22, 2009 9:23 PM  
Subject: Re: Survey for legislation

Thanks for keeping us informed on issues affecting trikes and motorcycles. I believe that anybody that operates a three wheeled unit with motorcycle styling and motorcycle parts should be required to have a motorcycle endorsement such as it is now and limiting the operator to a three wheel unit only. This would also limit anybody getting on a three wheeled unit and attempting to drive it with the different handling characteristics and

being a more defensive driver. I can see the accidents and injuries getting why out of line and the legislature totally eliminating three wheel units from the highways of North Dakota and then the whole country.

Norm & Vonnie Haakenson  
Dickinson, ND

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**From:** Dale Erickson  
**Sent:** Thursday, January 22, 2009 7:56 PM

We feel the law should stay the way it is now for safety sake, as we all know, trikes don't always drive like a car.

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**From:** Coriene Maier  
**Sent:** Thursday, January 22, 2009 6:37 PM  
**Subject:** RE: Survey for legislation

I forwarded this to Clayton for his response as it came to me, but I personally feel a separate license is needed and that they should continue to be licensed as a motorcycle. If the driver only needs a car license, then they will need to be licensed as that type of motor vehicle, which may or may not impact insurance coverage. Just a thought.

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**From:** Judy  
**Sent:** Thursday, January 22, 2009 9:23 PM  
**Subject:** Re: Survey for legislation

I can only speak for myself, but I think it should stay as it is now. It is a lot different than a bike and I have seen some of those models with the wheel in the back and 2 up front and they seem to me they would be easier to tip over than ours