

**2013 SENATE TRANSPORTATION**

**SB 2191**

# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Transportation Committee**  
Lewis and Clark Room, State Capitol

Senate Bill 2191  
January 24, 2013  
Recording job number 17666

☐ Conference Committee

*Nous & Prez*

## **Explanation or reason for introduction of bill/resolution:**

To amend and reenact section 39-21-06 of the North Dakota Century Code relating to stop lamps and turn signals.

## **Minutes:**

Attached testimony: 1

**Senator Gary A Lee** District 22 This bill relates to safety equipment on motor vehicles, more specifically to brake lights or stop lamps as we define them here. It provides for definitive placement of those in statute. There is a problem to be solved and it is to remove some of the loopholes. It defines where those lamps should be. Section 1 line 9 begins new language which is actually taken out of 39-21-19 that relates to signal lights and plugs that into this portion of the stop lamps section and states where those lights should be and which ones need to be illuminated when the brakes are used. In paragraph 3, it defines the heights and limits of where those should be in terms of the vehicle. With the aftermarket devices that are out there, in the back window or hung in the mirrors on the sides, we are saying in this language here which ones we are calling stop lamps (brake lights).

**Mike Reitman**, Assistant Chief, West Fargo Police Department  
In support of this bill Attached testimony 1

No other testimony in favor. No opposing testimony.

Hearing closed

Vice Chairman Armstrong moved do pass

Senator Sinner seconded No Discussion

Roll call vote 6 yes 0 no 1 absent Carrier Senator Armstrong Hearing Closed

Senator Flakoll, absent, later voted yes. Yes 7 No 0

Date: January 24, 2013  
Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL NO. 2191**

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Senator Armstrong Seconded By Senator Sinner

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	X		Senator Tyler Axness	X	
Vice Chairman Kelly Armstrong	X		Senator George Sinner	X	
Senator Margaret Sitte	X				
Senator Tim Flakoll	<del>A</del> X				
Senator Tom Campbell	X				

Total (Yes) ~~6~~ 7 No 0

Absent 1 absent Senator Flakoll who later voted Yes

Floor Assignment Senator Armstrong

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

**REPORT OF STANDING COMMITTEE**

**SB 2191: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the  
Eleventh order on the calendar.

**2013 HOUSE TRANSPORTATION**

**SB 2191**

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Transportation Committee Fort Totten Room, State Capitol

SB 2191  
03-22-13  
Job # 20357

☐ Conference Committee

Committee Clerk Signature

*Jeanette Cook*

### Explanation or reason for introduction of bill/resolution:

A bill relating to stop lamps and turn signals.

### Minutes:

Attachment 1

**Chairman Ruby** opened the hearing on SB 2191.

**Senator G. Lee** introduced SB 2191. He provided written testimony, by **Mike Reitan, Assistant Chief of the West Fargo Police Department**, which explains the bill and is in support of the bill. See attachment #1.

**Representative Weisz:** Was there any discussion about a semi-tractor that is not pulling a trailer? Then the taillights are one foot apart. It would possible to put on a bar and move them out to make them wider. Would they still be as wide as would be practical?

**Senator G. Lee:** I don't know if that was discussed.

**Representative Gruchella:** On that issue if a semi-tractor is empty all that is showing is the tires in the back and the frame. The two of the lights are as wide as they can be. It wouldn't change that, as far as I can see. Six feet is a federal requirement. Any manufacturer has to meet that requirement.

**Representative Weisz:** Are after-market parts required to comply with the federal standards?

**Representative Gruchella:** I am about 90% certain that is correct. An after-market manufacturer has to know what the requirements are.

There was no further testimony in support SB 2191.  
There was no further testimony on SB 2191.

**Representative Kreun** moved a DO PASS on SB 2191.  
**Representative Delmore** seconded the motion.

House Transportation Committee

SB 2191

03-22-13

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**A roll call vote was 12 Aye 2 Absent 0 The motion carried.  
Representative Heller will carry SB 2191.**

Date: 3-22-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2191

House Transportation Committee

☐ Check here for Conference Committee

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

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt  
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Kreun Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	✓	
Rep. Rick Becker		✓	Rep. Kylie Oversen	✓	
Rep. David Drovdal	✓				
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	✓				
Rep. Gary Sukut	✓				
Rep. Don Vigasaa	✓				
Rep. Robin Weisz		✓			

Total (Yes) 12 No 2

Absent 0

Floor Assignment Heller

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



**REPORT OF STANDING COMMITTEE**

**SB 2191: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS**  
(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the  
Fourteenth order on the calendar.

**2013 TESTIMONY**

**SB 2191**

Transportation Committee

Senate Bill 2191

Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

Good Morning

Chairman Oehlke, Vice Chair Armstrong and members of the Committee, for the record my name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I am testifying today in support of House Bill 2191.

The bill before you today is meant to clarify language within section 39-21-06 of the North Dakota Century Code and to fulfill what I believe was the intent under which the original law was passed.

When 39-21-06 was first passed vehicles were equipped with two brake lights mounted at the same level and placed one on each side of the vehicle. Experiments in traffic safety found that adding a third brake light to the rear window deck of passenger vehicles or mounted high on light duty trucks reduced the incidents of rear end crashes. The third brake light, also called center high mounted stop lamp, have been federally mandated since the 1986 model year for passenger cars. They were required for trucks starting with the 1994 model year. This mandate did not remove the requirement to have the two lower brake lights operating as designed.

During a recent administrative hearing relating to a driving privilege suspension the hearing officer ruled in favor of the defense in that NDCC 39-21-06 was vague as to which lights were considered to be the brake light. Even though one of the lower mounted brake lights did not work properly on the vehicle the hearing officer believed the other remaining brake light and third brake light met the intent of the law. I would contend it does not.

During the hours of darkness; severe weather or heavy dust conditions it becomes an issue of traffic safety to have both lower brake lights functioning properly so a following driver can stop accordingly as the traffic ahead slows or stops. Brake lights amounted at the outside of the vehicle and on the same level assists other drivers in determining where the vehicle ahead is positioned. A common man should be able to read the statute about brake light equipment and understand the original sponsor's intent. The additional language proposed here today will provide for a clear dictate as to which brake lights must be functional. I ask you to please vote yes on House Bill 2191.

Thank you for your time this morning. I will take any questions you may have.

#1

House Transportation Committee

Senate Bill 2191

Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

Good Morning

Chairman Ruby, Vice Chair Owens and members of the Committee, for the record my name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I am testifying today in support of Senate Bill 2191.

The bill before you today is meant to clarify language within section 39-21-06 of the North Dakota Century Code and to fulfill what I believe was the intent under which the original law was passed.

When 39-21-06 was first passed vehicles were equipped with two brake lights mounted at the same level and placed one on each side of the vehicle. Experiments in traffic safety found that adding a third brake light to the rear window deck of passenger vehicles or mounted high on light duty trucks reduced the incidents of rear end crashes. The third brake light, also called center high mounted stop lamp, have been federally mandated since the 1986 model year for passenger cars. They were required for trucks starting with the 1994 model year. This mandate did not remove the requirement to have the two lower brake lights operating as designed. Axillary brake lights are now appearing on rear view mirrors and can be added to your receiver hitch.

During a recent administrative hearing relating to a driving privilege suspension the hearing officer ruled in favor of the defense in that NDCC 39-21-06 was vague as to which lights were considered to be the brake light. Even though one of the lower mounted brake lights did not work properly on the vehicle the hearing officer believed the other remaining brake light and a third brake light met the intent of the law. I would contend it does not.

During the hours of darkness; severe weather or heavy dust conditions it becomes an issue of traffic safety to have both lower brake lights functioning properly so a following driver can stop accordingly as the traffic ahead slows or stops. Brake lights mounted at the outside of the vehicle and on the same level assist other drivers in determining where the vehicle ahead is positioned. The current language of NDCC 39-21-06 is the only section within the 39 code that does not specifically set out the requirements of vehicle equipment. A common man should be able to read the statute about brake light equipment and understand the original sponsor's intent. The additional language proposed here today will provide for a clear dictate as to which brake lights must be functional and where it shall be located. I ask you to please vote yes on Senate Bill 2191.

Thank you for your time this morning.