

**2013 SENATE TRANSPORTATION**

**SB 2367**

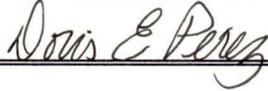
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

Senate Bill 2367  
February 7, 2013  
Recording Job Number 18455

Conference Committee

Committee Clerk Signature



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

A BILL for an Act to amend and reenact subsection 1 of section 39-10-46 of the North Dakota Century Code, relating to overtaking and passing a school bus.

## Minutes

Attached testimony: none

**Chairman Oehlke** opened the hearing on SB 2367

**Senator Judy Lee** District 13 Introduced bill at the request of Daniel Hager, regarding cars stopping too close to a school bus stopped on a highway.

**Daniel Hager** School bus driver There have been lots of problems with T intersection issues. People can drive through the intersection and pass a stopped school bus. The children are supposed to be at least ten feet away from the bus, in front or behind the bus, when they cross the roadways. The newer buses have an arm that comes out to keep the children out as far as they can. The problem is a car can pull up, even to the front of the bus without breaking the law; it would already be on top of the children. I talked with the highway patrol about this and they came up with the number of fifty feet, you cannot move your vehicle while the stoplights are on and the arm is out.

**Vice Chairman Armstrong** if this law were to pass and a bus driver reports someone did not stop within the fifty feet mark that would be an automatic six points deduction in the driver's license and a hundred dollar fine.

**Senator Sitte** Maybe what we need would be a new campaign to be careful with kids around school buses; better safety information from North Dakota Department of Transportation (DOT)

**Ray Hager** Washburn North Dakota The important thing is the students. I think this law should be not only on the highway but anywhere in town.

**Bob Marthaller** Assistant Superintendent, Department of Public Instruction, Bismarck, North Dakota Came to monitor the bill. Supports the content and the intent of the bill, supports anything that protect kids.

**Lt. Steve Kilde**, Traffic Commander for the City of Bismarck. I support any bill that can be put forth to protect our children getting on and off the school buses. The only thing that I would like to add is that it is always nice when laws are enforceable. I understand we have to put a distance but sometimes it becomes difficult to enforce. An example of this: passing the school bus, we have taken forty five complaints so far from the bus drivers in the city of Bismarck for people passing the school bus. The City Attorney, a lot of times, is hesitant to charge out those offenses because the law says that "a bus driver has to turn on the warning lights three hundred feet prior to stopping". In a city setting the caution lights would have to be on all the time, it would be very difficult to prosecute. Of the 45 complaints we only were able to prosecute five. The fifty feet would be somewhat difficult for us to enforce. We might have to modify the school buses to put some kind of warning signal on the side of the bus since at the T intersection it would be difficult to see the flashing lights and the projecting arm. I think the bigger problem is the lack of consistency from the Bismarck Public School Drivers and the Harlow bus drivers that enforcement becomes difficult. There is also a drastic difference between driving a school bus in a rural vs. an urban setting. Fifty feet would be perfect where you don't have a lot of traffic but inside the city it would take an awful lot of education.

No other testimony in support. No testimony in opposition. No neutral testimony.

**Chairman Oehlke** closed the hearing

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee  
Lewis and Clark Room, State Capitol

Senate Bill 2367  
February 8, 2013  
Recording job number 18577

Conference Committee

Committee Clerk Signature

*Dow & Perez*

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

To amend and reenact subsection 1 of section 39-10-46 of the North Dakota Century Code relating to overtaking and passing a school bus.

## Minutes:

Attached testimony: none

**Chairman Oehlke** opened the discussion on SB 2367

**Senator Campbell** Six points off your driver's license for fifty feet? Most people wouldn't know.

**Vice Chairman Armstrong** We do not give this much authority to law enforcement people. A bus driver can call this in and you lose six points and a hundred dollars without getting a day in court. I will vote against this bill. How infractions and driving offenses occur is a law enforcement officer has to stop you. This is different from the way we do any other type of infraction.

**Chairman Oehlke** Insurance companies when they see a violation of any kind in a school zone they freak. They will cancel the insurance.

**Senator Sinner** I would like to see us hog house this and fix it, I am concerned about the six points, there should be a distance, maybe another, and having the bus driver call it also worries me.

**Vice Chairman Armstrong** I would need to review the North Dakota Century Code.

**Chairman Oehlke** If someone wants to do some research on this, we can delay vote until next week.

**Chairman Oehlke** closed the discussion

# 2013 SENATE STANDING COMMITTEE MINUTES

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

Senate Bill 2367  
February 14, 2013  
Recording job number 18909

Conference Committee

Committee Clerk Signature

*Dow & Paris*

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

To amend and reenact subsection 1 of section 39-10-46 of the North Dakota Century Code, relating to overtaking and passing a school bus.

**Minutes:**

Attached testimony: none

**Chairman Oehlke** opened the discussion on SB 2367

Committee member agreed that the biggest problem here would be enforcement, since a fifty feet distance is subjective. **Vice Chairman Armstrong** said that an additional problem would be the reporting by the bus drivers who are not law enforcement trained to make these determinations. They agree a public education program relating to school buses and children's' safety would be more effective.

**Senator Campbell** Moved do not pass

**Senator Sitte** seconded

**Roll call vote:** Yes 7 No 0 Absent 0

**Carrier Senator Campbell**



**REPORT OF STANDING COMMITTEE**

**SB 2367: Transportation Committee (Sen. Oehlke, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Eleventh order on the calendar.