

**2015 SENATE TRANSPORTATION**

**SB 2166**

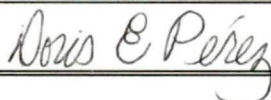
# 2015 SENATE STANDING COMMITTEE MINUTES

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

SB 2166  
1/29/2015  
Recording job number 22777

Subcommittee       Conference Committee

Committee Clerk Signature



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

To amend and reenact section 39-21-45.1 of the North Dakota Century Code, relating to modified vehicles.

## **Minutes:**

Attachments: 3

**Vice Chairman Casper** opened the hearing on SB 2166, **Chairman Oehlke** momentarily absent, **Senator Campbell** absent

**Captain Kyle Ternes**, Eastern Division Commander, ND Highway Patrol: intent of the bill is to close gap in the law providing bumper height restrictions and other necessary requirements (body height, tire diameter and suspension) for vehicles weighing 10,000 pounds or less. See attached testimony #1.

**Senator Sinner** requested information about what neighboring states do about these modified vehicles (bumper heights in excess of 27 inches, suspension kits, oversized tires, illegally tinted windows) because you don't see many on the road in other states.

**Capt. Ternes**: we don't enforce equipment laws in out of state vehicles. Once they live here for 90 days, we consider they established residency and expect them to comply with ND equipment laws. Initially we issue a warning and provide 30-60 days to correct the situation (this is not written in the law). The warning goes into our data base (date, time, location what the warning was). **Senator Sinner**, the data base is internal records we keep; at their request we can share it with other law enforcement agencies. **Senator Rust** it is an infraction. In most counties judges will require an appearance, they will set the fine (\$250 or less, they have a lot of discretion). Some county judges just issue an order that those infractions will be \$50 fines. Usually we give 30-60 days grace period for compliance when we know a change in legislation is imminent or has become effective recently. It is not mandatory we do it, safety is our priority. We don't know if other law enforcement agencies will allow a grace period, we will.

**Chairman Oehlke**: I corresponded with someone out east representing an outfit called Specialty Equipment Marketing Association. Their main concern is that we have in the Century Code that modified equipment must meet specialty equipment marketing association standards. They pointed out that they don't set standards, they are a marketing

group, and they sell stuff. They don't want anything to do with standards. I have an amendment to remove that and change the wording. Attachment # 3 (22:01-23:58)

**Jeff Evink**, Professional Insurance Agents of ND, in support of this bill, in the interest of protecting all who use the state highways and roads it is good public policy to require that motor vehicles have front and rear bumpers that meet the same requirements. See attachment # 2 (27:55- 29:55). **Senator Sinner**, ratings are actuarially done thru the vehicles VIN, most times modifications are not known, if known the ratings will be higher.

No additional testimony in favor, against or neutral. Vice Chairman Casper closed the hearing.

**Senator Rust** and **Chairman Oehlke** were surprised no one showed up to oppose this bill because of the number of e-mails they received.

**Senator Sinner** requested committee wait for data regarding what neighboring states do before taking final action on this bill. He **moved to adopt proposed amendment.**

**Chairman Oehlke** submitted proposed amendment, attachment #3 (38:33-39:55) Page 2 line 1 replace "specialty equipment marketing" with "the director's requirement", this will be consistent with line 2, DOT did not object to the amendment. "the director" refers to DOT.

**Senator Axness** seconded

**Roll call vote was taken: Yes 5 No 0 Absent 1**

Meeting adjourned.

# 2015 SENATE STANDING COMMITTEE MINUTES

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

SB 2166  
2/6/2015  
Recording job number 23369

Subcommittee

Conference Committee

Committee Clerk Signature

*Doris E. Pérez*

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

To amend and reenact section 39-21-45.1 of the North Dakota Century Code, relating to modified vehicles.

**Minutes:**

Attachments: 1

Chairman Oehlke opened the discussion on SB 2166, he reviewed the amendment.

Senator Sinner discussed the information requested from the Highway Patrol regarding maximum bumper heights in some of our surrounding states (see attachment #1).

Senator Axness moved do pass as amended

Vice Chairman Casper seconded

Roll call vote was taken: Yes 6 No 0 Absent 0

Carrier: Chairman Oehlke

15.0376.01001  
Title.02000

Adopted by the Transportation Committee

February 6, 2015

2/6/15  
JRE

PROPOSED AMENDMENTS TO SENATE BILL NO. 2166

Page 2, line 1, overstrike "specialty equipment marketing"

Page 2, line 2, overstrike "association standards" and insert immediately thereafter "the director's requirements"

Re-number accordingly

**2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
SB BILL NO. 2166**

Senate TRANSPORTATION Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Senator Sinner    Seconded By Senator Axness

Senators	Yes	No	Senators	Yes	No
Chairman Oehlke	x		Senator Axness	x	
Vice Chairman Casper	x		Senator Sinner	x	
Senator Campbell	abs				
Senator Rust	x				

Total (Yes) 5    No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

Page 2, line 1 replace "specialty equipment marketing" with "the director's requirements"

**2015 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 SB BILL NO. 2166**

Senate TRANSPORTATION Committee

Subcommittee

Amendment LC# or Description: 15.0376.01001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Senator Axness    Seconded By Vice Chairman Casper

Senators	Yes	No	Senators	Yes	No
Chairman Oehlke	X		Senator Axness	X	
Vice Chairman Casper	X		Senator Sinner	X	
Senator Campbell	X				
Senator Rust	X				

Total (Yes) 6    No 0

Absent 0

Floor Assignment Chairman Oehlke

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

**REPORT OF STANDING COMMITTEE**

**SB 2166: Transportation Committee (Sen. Oehlke, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.**

Page 2, line 1, overstrike "specialty equipment marketing"

Page 2, line 2, overstrike "association standards" and insert immediately thereafter "the director's requirements"

Renumber accordingly



**2015 HOUSE TRANSPORTATION**

**SB 2166**

# 2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Fort Totten Room, State Capitol

SB 2166  
3/12/2015  
#24776

Subcommittee  
 Conference Committee

Committee Clerk Signature



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

A bill relating to modified vehicles.

## Minutes:

Attachment #1-3

**Chairman Dan Ruby** opened the committee on SB 2166.

**Senator Oehlke, District 15**, introduced SB 2166. He explained that this bill is a safety issue. Someone looked at a vehicle and realized that if that vehicle backed into her, the bumper would be right at the height of her head (27 inches). When the Highway Patrol came and measured the bumper, even though the height was higher than normal, the vehicle happened to be over 7,000 pounds. Because of that, there isn't an applicable rule that fit that vehicle. I have been measuring bumpers, and there was one in Devils Lake that was 34 ½ inches. It could be a real problem if they had an accident. Initially, all the bill did was change the working on Lines 7 from a person to an individual, and on Line 9 it changed 7 to 10. We wanted to increase the weight limit from 7000 GVW pounds to 10,000 pounds. People have figured out that if they have a vehicle that is over 7000 pounds, they can put in a lift kit and do whatever they want with the bumpers. Once it is over 10,000 pounds, it is regulated by federal law, and then bumpers can only be 22 inches off the ground. That was the sum total of the bill, until the bill got out here. Then I started getting calls from an outfit called SEMA, Specialty Equipment Marketing Association. They dug into the bill and saw the wording in Century Code, Specialty Equipment Marketing Association. They told me that they don't have standards; all they do is sell stuff. They don't want to be in the bill. We talked to the Department of Transportation, and they said that we could put in "the Director's standards" or "the Director's requirements".

**Chairman Dan Ruby:** You mentioned up to the 10,000 pounds. Do any of the vehicles exceed 8,000 pounds?

**Senator Oehlke:** The vehicles that were brought into question were the Ford F150's and F250's. The F250's a few years ago were less than 7000 pounds, but now when you buy them new they are over 7000 pounds. Ten thousand pounds was picked because there is no regulation between 7000 and 10,000 pounds at this point.

**Chairman Dan Ruby:** We had this discussion a few years ago, (about SEMA) and no matter what you used for guidelines nothing seemed to fit. If it doesn't work well to use "the Director's guidelines", what other option do we have except removing those lines?

**Senator Oehlke:** I think that the idea behind "the Director's requirements" is that it would give them some flexibility. We might need that in this day and age.

**Representative Rick C. Becker:** I looked up the Ford pick-ups; the F150 is 4000-5000, the F250 is 6000-7000, and the F350 is 6000-7500.

**Captain Kyle Ternes, eastern division commander of the North Dakota Highway Patrol,** spoke support SB 2166. He provided written testimony. See attachment #1. Photos were provided to show examples of trucks with bumper heights of more than 27 inches. He discussed problems with getting correct weights for vehicles once they have additional equipment added to them.

**Chairman Dan Ruby:** Even if we pass this law, the owners' of these pick-ups could still put in lift kits to raise them way up. They would just have to set up a bracket system to bring the bumper down lower, correct?

**Captain Ternes:** That is correct. They could exceed the 27 inches as long as the vehicle had a drop bumper that was within 27 inches. However, the bumper must be attached to the frame and be the width of the bumper. That is in law already.

**Representative Chris Olson:** Is there any actual data on injuries or deaths that have been caused from this type of high bumper in the state?

**Captain Ternes:** Not to my knowledge. We see it as a potential danger.

**Representative Rick C. Becker:** In the bill it just says the weight, not the laden weight. The laden weight would just be the weight without a load. So, the weight **would** actually include accessories like a winch, lights, etc., correct?

**Captain Ternes:** I didn't interpret the law that way. I interpreted it as the unmodified weight, the weight that the vehicle comes shipped from the manufacturer without aftermarket add-ons.

**Representative Rick C. Becker:** Unmodified is in here?

**Captain Ternes:** That is the wording that I have. I checked some vehicles: a standard F150 half-ton pick-up has a bumper height of 23 inches, on an older three-quarter ton pick-up the height was 19 ½ inches, I found a new F150 half-ton pick-up with oversized tires that was 25 inches, a brand new F250 with oversized tires was 26 inches.

**Chairman Dan Ruby:** Were all the bumpers mounted on the frame?

**Captain Ternes:** Yes.

**Representative Chris Olson:** Do the vehicles that are over 10,000 pounds fall under federal law?

**Captain Ternes:** If you fall under the farm vehicle law, then you can have your bumper up to 30 inches per federal law.

**Chairman Dan Ruby:** If the law is changed, how do you see this affecting the people who already have their vehicle raised up? Do you anticipate some strong resistance to this?

**Captain Ternes:** We have had that discussion. It is a possibility. The vehicles that are already out there are legal because of the loophole, but would no longer be legal once the bill is passed. It is true that they would have to retool in some manner. They could use a drop bumper, or they would have to take some other steps.

**Chairman Dan Ruby:** What would be the way to educate them of the change?

**Captain Ternes:** I would just reach out to the ones that I personally stopped, since they are legal now and let them know of the change. I don't know how we could reach out to everyone, but as an agency when there is new legislation, we have a grace period in our enforcement. Sixty days is typical to stop people and inform them of the change and just give them a warning. That way they would have an opportunity to take care of it.

**Vice Chairman Lisa Meier:** What would the amount be if you did issue a citation?

**Captain Ternes:** It varies around the state. This is an infraction, so by state law it could be up to \$1000. However, the way that it is typically applied in our area, the judge will assess a \$50 fine roadside. In the southeastern quarter of the state the court says that they want to see those with an infraction. They appear before the judge, and a \$250 fine is quite common. There is no set fine. Because it is an infraction and could be up to \$1000, there is that latitude that a court can have in different counties in our state.

**Chairman Dan Ruby:** Would you support this being converted to a moving violation with a civil penalty, and just have a set fee statewide?

**Captain Ternes:** I am not in a position to speak for the Superintendent. I would have to get some feedback on that. Our goal is traffic safety. If a \$50 fine statewide gets compliance, then that is great. But, there could be a concern that some individuals will just take their chances and drive, get stopped and pay their tickets, and keep driving. We see that with tinted windows and the \$20 fine.

**Chairman Dan Ruby:** I am going to think about it, but I would feel more comfortable if it is a set fee across the state. I don't like the disparity between \$50 and \$250.

There was no further support for SB 2166.

**John Roswick, Midwest Motor Express,** spoke on his own behalf in opposition to SB 2166. He provided written testimony with picture examples. See attachment # 2 and #3. He stated that he has no problem with the changes from 7000 pounds to 10,000 pounds for

bumper heights. I think it is a good idea. I am on the other end of the spectrum. I build automobiles, cars, or trucks that use this section of the Code to make vehicles lower. As you notice this bill does not say that it is a bumper bill, but states that it is a motor vehicle modification bill. This bill in effect deals with all automotive production for the last 67 years starting in 1949. Model years, 1949 and earlier, are covered previously under Section 39-21-51 of the Code and are typically referred to as hotrods or customs. They are protected under that section. I will come back to this section shortly. This bill was passed in 1985, and at that point in time the specialty marketing companies did in fact have standards for the items that were there. The whole idea for them was to go to legislative bodies and report that they were watching their members and could say that they put forth a safe product. Since then, they have become something different. I believe that they should be left off of this bill or be replaced. Looking at this bill we found some additional changes. He reviewed his proposed amendments. See attachment #2, pages 1-5. (30:22)

**Chairman Dan Ruby:** You think that by using the language "manufacturer's design" and the language that you provide in the second page of your amendments that it will provide you the flexibility that you are seeking?

**John Roswick:** I believe, as far as the aftermarket parts people, it would provide them with the flexibility that they are seeking in regards to this. Remember, it is the manufacturer's design of the suspension.

**Chairman Dan Ruby:** I don't think that in law there is any minimum height, is there?

**John Roswick:** No, there is not.

**Dick Hedahl, Hedalls Auto Parts,** spoke in opposition to the bill as it was written, but I support the amendments that were offered by John Roswick. You asked if striking "original" would be enough. Our judgment is that it probably is, but if you were to add "or aftermarket design", it would certainly address the issue. I am concerned about this because I don't want my customers to be criminalized by buying parts that aren't designed and built by the manufacturer of the vehicle. Almost nothing that we sell is actually designed by the vehicle manufacturer. They are manufactured by the after-parts market that makes compatible products.

There was no further opposition to SB 2166.

**Mark Nelson, Deputy Director for North Dakota Department of Transportation,** spoke in a neutral capacity on SB 2166.

**Mark Nelson:** We had a meeting this week with John and the sponsors of the bill (Highway Patrol and Department of Transportation). A lot of the interpretations that I had were similar to yours. I hadn't read the original design as being parts, but as a design. Century Code has the requirement for brakes. Whether they are disc brakes or another type of brakes, we only have a requirement that a vehicle just has brakes. It seems like a lot of the issues that are being brought up here, are even an issue. I'm not aware that we have had problems with someone putting a different brand of part on a car, instead of a Ford part. As far as the original bill, as it was introduced, we didn't have any issues with

going to the Director's Requirements. It did generate some discussion within the Department of Transportation. We are not sure if we would have to go into administration rules and do anything. But, when we were advised by Senator Oehlke that SEMA was no longer in existence, it seemed the Department of Transportation would be the logical place to put it. We are just not sure what that would entail of us right now.

**Representative Rick C. Becker:** If a car was designed to have a 12 inch shock, and you wanted to put in an aftermarket part that was 16 inches, wouldn't that be outside of the original design irrelevant of who made it?

**Mark Nelson:** That is probably the argument here. We allow lift kits in North Dakota. I assume when they put on a lift kit, they have to change the size of the suspension or shocks. Obviously, they are putting on different pieces for the suspension system to adapt to the lift kit.

**Chairman Dan Ruby:** That is different than the original design.

**Mark Nelson:** I don't disagree with that. I just don't know if it is being enforced, or has ever been an issue. With that being said, if this language is troublesome and doesn't allow that to occur, then perhaps it needs to be looked at.

**Chairman Dan Ruby:** We would like to fix the issue and make sure that if the bill goes through, that we are cleaning it up, so it is clearer. There has to be some standards that the aftermarket parts are meeting. We will have to see what makes the most sense.

**Representative Chris Olson:** Since SEMA has not been setting standards for quite some time now, and we haven't had any problems, would you be opposed to us simply striking that entire provision? You (North Dakota Department of Transportation) haven't been setting requirements. I don't know that you necessarily want to be in the position where you are regulating aftermarket parts. Since no one has been regulating it, and we have been fine so far, would that be an option that you could live with?

**Mark Nelson:** A lot of the parts requirements are already in the Century Code (brakes, lights, windshield wipers, and windshield). Those types of things are already in the law and under the Director. When it gets into the specialty side, I know we have lighting requirements. For example, you can't sell green lights to someone to put on their car because it wouldn't be legal. We have those requirements in place. I just don't know if we have an extensive list of parts. I don't know if we want to get into the business of identifying what part they can put into the car. We are just looking at safety, and if the vehicle is safe in the way that it is being modified. If it says, "the Director's requirements", then I think we would have a comfort level with that.

**Chairman Dan Ruby:** You are dealing with certain types of equipment that must be on the vehicle, like certain colored lights. You are not looking at the standards of how something is manufactured and whether that will meet approval for every part that might go on a vehicle. Am I correct on that?

**Mark Nelson:** Yes.

**Chairman Dan Ruby:** That is kind of what this implies you are going to do, to set a standard for every kind of suspension or braking system. We had the bill that changed the inspection of a newly remodeled vehicle from the Highway Patrol to mechanics. That was similar to this. Have there been any problems with that?

**Mark Nelson:** Not that I am aware of.

**Representative Gary Paur:** If we change it to "the Director", it is not very specific. Should it say, "the Director of the Department of Transportation"?

**Mark Nelson:** In the 39 Code, the Motor Vehicle Code, *the Director* is making reference to the Department of Transportation Director. It is defined.

**John Roswick:** One of the things that is unusual in regards to this, is the part where the page is split. On Line 23 on Page 1 it says "the vehicle may be modified in accordance with the following." I bring that to your attention because if you strike Items 1 and 2, that takes those sections, on the things that you **CAN** do, out of the bill. It only leaves things about the maximum tires, drop bumpers, and the maximum lift permitted. If you take items 1 and 2 out on Page 2, I would suggest that you rename this section as the bumper heights, because you have taken modification out of there, which would be satisfactory. Then the modifications would be anything that would be provided for under 39-21.

**Chairman Dan Ruby:** But, your suggestion was to replace that language with your proposed amendment. It puts in language about modifying the vehicle; it just doesn't reference some group's standards that don't exist.

**John Roswick:** Yes, that is correct. The original section from the Hotrod section, 39-21-52, had an additional line that stated that the Director may adopt rules to implement this section. I took that out because it was already contained on the bottom.

**Chairman Dan Ruby:** I like the way that this is consistent with the street Rod section, and then the modifying sections are fairly consistent.

There was no further testimony on SB 2166.  
The hearing was closed on SB 2166.

# 2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Fort Totten Room, State Capitol

SB 2166  
3/19/2015  
#25113

Subcommittee  
Conference Committee

Committee Clerk Signature



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

A bill relating to modified vehicles.

## Minutes:

Attachment #1

**Chairman Dan Ruby** brought SB 2166 before the committee.

**Representative Robin Weisz** presented and explained proposed amendments. See attachment #1.

The amendments still leave 7000 pounds for the bumper height, because the committee can have that discussion. We have had an issue over SEMA, and if the Director is qualified to determine... This language will eliminate the whole part about modifying equipment meeting the requirement applicable to a vehicle under Section 39-21. That is all of the safety issues that are required to have a vehicle on the road. Other than that, why do we care? If someone wants to modify a vehicle, that is fine, but they can't put green lights on it because Section 39-21 doesn't allow that. People have to have proper brakes, but it doesn't tell you that you can't replace your drum brakes on your '65 Chevy with disc brakes. You just have to meet the safety standards. It should solve the problem of who is determining what equipment is allowed. Modification is okay as long as they continue to meet the safety requirements for any vehicle on the road.

The other thing is about the tires. We don't care what the (inaudible word) of the tires is; they just have to have the United States manufactured PIN number. If the tires are approved for the highway, they can be put on a vehicle.

**Chairman Dan Ruby:** I like the concept of removing all that language. Mark Nelson showed me a picture of an old manure spreader, and even under all of these guidelines, it just had to have the proper brakes, steering, tail lights, turn signals, etc., so it was approved to drive because it met the requirements.

**Representative Robin Weisz:** This also eliminates Line 14, because the law says that a vehicle can only be raised 4" no matter what height it begins at. There doesn't seem to be



logic to that. If the vehicle is 3" off the ground, you can lift it 4". If you are 18" off the ground, you can still lift 4". It doesn't seem rational.

**Chairman Dan Ruby:** I remember testimony from a previous bill that if you raise a vehicle up, it changes the angle of the steering shaft u-joints, and that may not be the way they are designed to function.

**Representative Robin Weisz:** It is something you have to deal with if you want to lift a vehicle.

We are leaving all the language under number 4, Line 8-11. The only other thing that I changed was Page 2, Line 16 because I think it is inherently wrong.

**Representative Gary Paur:** Going to go back to raising a vehicle by 4", when you raise a vehicle 4", you raise the center of gravity by 4". It increases the likelihood of stability problems and roll overs if you lift a vehicle up over its designed height.

**Representative Robin Weisz:** That was my point. One vehicle is already high.

**Representative Gary Paur:** But, it was designed that way.

**Representative Robin Weisz:** That is not necessarily correct. Remember the issues with the Ford Explorers. That vehicle will roll ten times easier than Rep. Mark Owens Corvette. If he raises his Corvette 4", it will still go around the corner better than Chairman Dan Ruby ton pick-up. There is no question that if you raise any vehicle, you change the center of gravity, and it is not as resistant to roll over. But, why is it okay for an SUV to raise 4" when it is already higher than a car.

**Representative Gary Paur:** But, I have a feeling that that is what the language is based on. There is a design parameter for safety for roll overs, and if you exceed that very much, it will decrease safety. It maybe should be a percentage.

**Representative Robin Weisz:** A higher vehicle will just not hold the road like a lower one.

**Chairman Dan Ruby:** Generally, if the vehicle is lifted, it will have wider tires on it as well. That will also add to the stability. No one brought information that the height of the pick-up was dangerous because it was higher and could roll over. The information was more about the height of the bumper being at the same height as a windshield. I agree with removing the language from Line 16-18. If there are no more questions with this area, let's go back to the weight. The bills states 10,000 pounds.

**Representative Robin Weisz:** The only thought that I have about the weight changing to 10,000 pounds is that there might be some commercial vehicles that might have issues. I can't specifically name any, but look at some of the railroad vehicles that are set to run down the tracks and then down the road. Are they going to have problems?

**Representative Chris Olson:** I am concerned about shifting these weight parameters. Are we going to cause some unintended consequences? Who knows how many vehicles

that we might make suddenly illegal. Are we doing this in response to an actual problem? Because we will cause a problem, we know that. Are we going to cause a problem for something that hasn't been a problem? We didn't receive any statistics about people being injured by higher bumpers. It is just a perceived fear that we would be addressing. Have we looked at bumper heights in different states? There are many states that have no regulation at all on the bumper height.

**Chairman Dan Ruby:** I asked how they (law enforcement) will handle the people that are going to be noncompliant with this. He said that they would contact the people that they had previously pulled over to let them know about the change. That would give them the opportunity to comply. He also stated that initially they would give warnings for about six months.

**Representative Lois Delmore:** The enforcement is also a problem. It is an infraction, but in Devils Lake it is a \$50 fine, and in the southeast corner of the state it is \$250.

**Representative Robin Weisz:** We did see some data from the Upper Great Plains Transportation Institute. It reported one accident in North Dakota in which a car rear ended a truck and went underneath the truck, which had NO bumper. The person was killed in the accident.

**Chairman Dan Ruby:** Challis checked about the courts deciding this, and it is a non-moving violation. It isn't up to the courts and is a \$20 fine.

Discussion on pick-up weights.

**Representative Gary Paur:** As far as a safety issue, I can't see how we are going to fix this unless we make all the bumpers lower. I have an MG Midget. If something has an 18" bumper, I will go under it.

**Vice Chairman Lisa Meier:** There is a small mistake on the amendments. On Page 1 Change to - **Line 9** "remove 10".

**Challis Williams, legislative intern:** Also remove overstrike ... Inaudible, no mic.

**Chairman Dan Ruby:** Remove the overstrike on 31-75.144 and overstrike 535.92.

**Vice Chairman Lisa Meier moved the amendments to SB 2166.  
Rep. Mark Owens seconded the motion.**

**Representative Marvin Nelson:** I am going to resist the amendments because of the fact that we have completely changed the bill. Many of these things we didn't have a hearing on. We are talking vehicle safety. If someone wants these changes, they could put a bill in and the public would be informed that we are doing these things. There is also the gap between 7,000 and 10,000 pounds, and I think that we are creating problems by leaving that gap there.

**Chairman Dan Ruby:** I talked to the Department of Transportation and mentioned that there might be a chance that we would change this. They didn't seem to have a problem with it, since they just check the basic things like lights, breaks, etc. We changed the inspection of the vehicles last session from the Highway Patrol to private mechanics. They (HP) are really happy with that, and it is working well. Also, the Department of Transportation is happy with the work being done.

**Representative Marvin Nelson:** With your truck (Ford 3500), Mr. Chairman, you will fall under the Federal regulations at 14,000 pounds. I don't think we will hook commercial vehicles by using 10,000 pounds. I guess if none of this makes any difference as far as safety, then we could just get rid of this whole section of Code, but I don't think that is what we want to do.

**A roll call vote was taken on amendments: Aye 8 Nay 2 Absent 4  
The motion carried.**

**Representative Robin Weisz moved a DO PASS as amended on SB 2166.  
Rep. Mark Owens seconded the motion.**

**A roll call vote was taken: Aye 9 Nay 1 Absent 4  
The motion carried.**

**Representative Robin Weisz will carry SB 2166.**

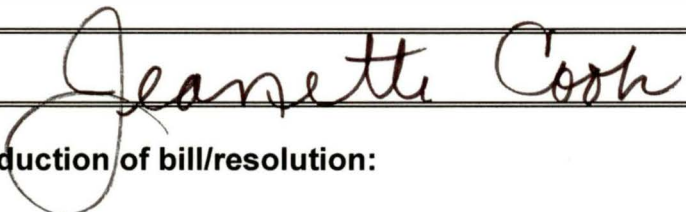
# 2015 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB 2166  
3/19/2015  
#25165

Subcommittee  
Conference Committee

Committee Clerk Signature



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

A bill relating to modified vehicles.

**Minutes:**

**Chairman Dan Ruby** brought SB 2166 back before the committee.

We passed SB 2166 out of committee this morning with a DO PASS as amended. When Challis looked at the penalty on that, we assumed it was a non-moving violation for a bumper that didn't meet the requirements. He found out that there was another word in there that was fairly significant in showing that actually it is by jurisdiction. So, someone could get a \$50 fine in one area and a \$250 fine in another court. I'm glad that this was caught at this point, and so, need to have a motion to reconsider our actions.

**Representative Lois Delmore** moved to reconsider SB 2166.  
**Vice Chairman Lisa Meier** seconded the motion.

**A voice vote was taken.**  
**The motion carried.**

**Chairman Dan Ruby:** We will get the correction. I think it is important to do. I don't like the idea that the fine can be different depending on which jurisdiction you get picked up in. We should set that as one flat fee across the state.

The meeting was adjourned.

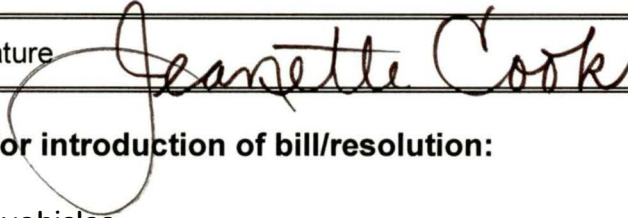
# 2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Fort Totten Room, State Capitol

SB 2166  
3/20/2015  
#25208

Subcommittee  
Conference Committee

Committee Clerk Signature



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

A bill relating to modified vehicles.

## Minutes:

Attachment #1

**Chairman Dan Ruby** brought SB 2166 before the committee. He stated that we are reconsidered this bill because we found out that it was not just a standard, flat non-moving violation fine for being noncompliant with requirements for bumper heights. It depended on the jurisdiction as to what the fine would be. Challis has amendments for us.

**Challis Williams**, legislative intern, explained the amendments. See attachment #1.

**Chairman Dan Ruby:** Has it always been two points?

**Challis Williams:** Yes.

**Chairman Dan Ruby:** I think this now accomplishes what we intended, to make the fine equal across the state.

**Rep. Mark Owens** made a motion to amend the amendment - change 2 points to 1 point.

**Representative Rick C. Becker** seconded the motion.

**A voice vote was taken. The motion carried. (Vote #1)**

**Rep. Mark Owens** moved the amendments.

**Representative Chris Olson** seconded the motion.

**A voice vote was taken. The motion carried. (Vote #2)**

There was no further discussion.

**Representative Lois Delmore** moved a DO PASS as amended.  
**Rep. Mark Owens** seconded the motion.

House Transportation Committee  
SB 2166.  
03-20-15  
Page 2

**Representative Marvin Nelson:** I appreciate the current amendment added, but I am still going to oppose the bill on the basis of leaving the gap between the 7,000 and 10,000 pounds.

**A roll call vote was taken: Aye 11 Nay 1 Absent 2  
The motion carried. (Vote #3)**

**Representative Robin Weisz will carry SB 2166.**

PROPOSED AMENDMENTS TO SB 2166

Page 1, line 9, remove the overstrike over "seven"

Page 1, line 9, remove "ten"

Page 1, line 9 remove the overstrike over "3175.14"

Page 1, line 10, remove "4535.92"

Page 2, line 2, replace "the director's" with "any other"

Page 2, line 2, replace "requirements" with "requirement"

Page 2, line 2, after "requirements" insert "applicable to a vehicle under section 39-21"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 4, after "comply" insert "a United States department of transportation tire identification number"

Page 2, line 5 remove "the director's"

Page 2, line 5, overstrike "requirements"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, line 7, overstrike "[111.76 centimeters]"

Page 2, line 8, remove "(4)"

Page 2, line 14, remove the overstrike over "e."

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, line 15, remove "centimeters]."

Page 2, line 16 remove "e."

Page 2, line 16 remove "An individual"

Page 2, line 16 overstrike "charged with a violating this section has the burden of"

Page 2, line 17 remove "showing"

Page 2, line 17 overstrike "that the modifications are permitted under this"

Page 2, line 18 overstrike "section."

Page 2, line 21 remove "g."

Renumber accordingly



PROPOSED AMENDMENTS TO SB 2166

Page 1, line 1, after "to" insert "create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving record; to"

Page 1, line 1, after "section" insert "39-06.1-05, 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, section 39-07-09 and "

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving record, discretion for release upon promise to appear and"

Page 1, after line 3, insert:

**SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-05. Offenses excepted.**

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1.~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
9. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.**

For the purposes of section 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, sections 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3. AMENDMENT.** Subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

(40) <u>Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance</u>	<u>2 points</u>
--	-----------------

**SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 is amended and reenacted as follows:

b. Criminal Violations

Conviction of:	Points Assigned:
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or	3 points

- contact lenses while driving
- (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11 4 points
- (7) ~~Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance~~ 2 points
- (8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance 2 points
- (9) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance 24 points
- (10) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance 2 points
- (11) Driving in violation of the conditions of an instruction permit 2 points

**SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:

- a. Reckless driving.
- b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
- c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
- d. ~~Operating a modified vehicle.~~
- e. Driving without liability insurance in violation of section 39-08-20.

f. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.

~~g.~~ Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate.

Renumber accordingly

March 20, 2015

*Handwritten:*  
3-20-15  
184

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

Page 1, line 1, after "to" insert "create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to"

Page 1, line 1, replace "section" with "sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-05. Offenses excepted.**

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified vehicle in violation of section 39-21-45.1.~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 9.8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

2/16/4

**39-06.1-09. Moving violation defined.**

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

**SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations Conviction of:	Points Assigned:
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving	3 points
(6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11	4 points
(7) <del>Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance</del>	2 points
(8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance	2 points
(9)(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance	24 points

3 of 4

(10)(9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance 2 points

(11)(10) Driving in violation of the conditions of an instruction permit 2 points

**SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.**

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
  - a. Reckless driving.
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
  - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
  - d. ~~Operating a modified vehicle.~~
  - e. Driving without liability insurance in violation of section 39-08-20.
  - f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
  - g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate."

Page 1, line 9, remove the overstrike over "seven"

Page 1, line 9, remove "ten"

Page 1, line 9, remove the overstrike over "3175.14"

Page 1, line 9, remove "4535.92"

Page 2, line 2, replace "the director's requirements" with "any other requirement applicable to a vehicle under chapter 39-21"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

484

Page 2, line 5, remove "the director's",

Page 2, line 5, overstrike "requirements" and insert immediately thereafter "a United States department of transportation tire identification number"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, overstrike line 7

Page 2, line 8, remove "(4)"

Page 2, line 14, remove the overstrike over "e."

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, overstrike line 15

Page 2, line 16, remove "e."

Page 2, line 16, remove "An individual"

Page 2, line 16, overstrike "charged with violating this section has the burden of"

Page 2, line 17, remove "showing"

Page 2, line 17, overstrike "that the modifications are permitted under this"

Page 2, overstrike line 18

Page 2, line 19, remove "f."

Page 2, line 21, replace "g." with "f."

Renumber accordingly



**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2166**

House Transportation Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Vice Chairman Lisa Meier Seconded By Rep. Mark Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	X		Rep. Hanson		X
Rep. Rick Becker	A		Rep. Nelson		X
Rep. Frantzvog	A				
Rep. Hawken	A				
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur	X				
Rep. Schatz	A				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 8 No 2

Absent 4

Floor Assignment \_\_\_\_\_

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

Attachment #1

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2166**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15.0376.02001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Representative Robin Weisz    Seconded By Rep. Mark Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	X		Rep. Hanson	X	
Rep. Rick Becker	X		Rep. Nelson		X
Rep. Frantzvog	A				
Rep. Hawken	A				
Rep. Olson	A				
Rep. Owens	X				
Rep. Paur	X				
Rep. Schatz	A				
Rep. Sukut	X				
Rep. Weisz	X				

Total    (Yes) 9    No 1

Absent 4

Floor Assignment Representative Robin Weisz

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

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2166**

House Transportation Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Representative Lois Delmore    Seconded By Vice Chairman Lisa Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Rep. Delmore		
Vice Chairman Meier			Rep. Hanson		
Rep. Rick Becker			Rep. Nelson		
Rep. Frantzvog					
Rep. Hawken					
Rep. Olson					
Rep. Owens					
Rep. Paur			<b>VOICE VOTE</b>		
Rep. Schatz			<b>MOTION CARRIED</b>		
Rep. Sukut					
Rep. Weisz					

Total    (Yes) \_\_\_\_\_    No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2166**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15.0376.02001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Mark Owens Seconded By Becker Representative Rick C.

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Rep. Delmore		
Vice Chairman Meier			Rep. Hanson		
Rep. Rick Becker			Rep. Nelson		
Rep. Frantzvog					
Rep. Hawken					
Rep. Olson					
Rep. Owens			<b>VOICE VOTE</b>		
Rep. Paur			<b>MOTION CARRIED</b>		
Rep. Schatz					
Rep. Sukut					
Rep. Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Change from 2 pts. to 1 pt.

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2166**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15.0376.02001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Mark Owens Seconded By Representative Chris Olson

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Rep. Delmore		
Vice Chairman Meier			Rep. Hanson		
Rep. Rick Becker			Rep. Nelson		
Rep. Frantzvog					
Rep. Hawken					
Rep. Olson					
Rep. Owens			<b>VOICE VOTE</b>		
Rep. Paur			<b>MOTION CARRIED</b>		
Rep. Schatz					
Rep. Sukut					
Rep. Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

**2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2166**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15.0376.02001

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Representative Lois Delmore Seconded By Rep. Mark Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	X		Rep. Hanson	X	
Rep. Rick Becker	X		Rep. Nelson		X
Rep. Frantzvog	A				
Rep. Hawken	A				
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur	X				
Rep. Schatz	X				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 11 No 1

Absent 2

Floor Assignment Representative Robin Weisz

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

**REPORT OF STANDING COMMITTEE**

**SB 2166, as engrossed: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to"

Page 1, line 1, replace "section" with "sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-05. Offenses excepted.**

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified vehicle in violation of section 39-21-45.1.~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- ~~9.8.~~ Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.**

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24,

39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

**SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- b. Criminal Violations  
Conviction of: Points Assigned:
- |  |           |
|--|-----------|
| (1) Reckless driving in violation of section 39-08-03, or equivalent ordinance   | 8 points  |
| (2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance  | 12 points |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances   | 14 points |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance  | 18 points |
| (5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving   | 3 points  |
| (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11   | 4 points  |
| (7) <del>Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance</del>  | 2 points  |
| (8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance  | 2 points  |
| (9)(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance   | 24 points |
| (10)(9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance | 2 points  |
| (11)(10) Driving in violation of the conditions of an instruction permit   | 2 points  |



**SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.**

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
  - a. Reckless driving.
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
  - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
  - d. ~~Operating a modified vehicle.~~
  - e. Driving without liability insurance in violation of section 39-08-20.
  - f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
  - g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate."

Page 1, line 9, remove the overstrike over "~~seven~~"

Page 1, line 9, remove "~~ten~~"

Page 1, line 9, remove the overstrike over "~~3175.14~~"

Page 1, line 9, remove "~~4535.92~~"

Page 2, line 2, replace "~~the director's requirements~~" with "any other requirement applicable to a vehicle under chapter 39-21"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 5, remove "~~the director's~~",

Page 2, line 5, overstrike "requirements" and insert immediately thereafter "a United States department of transportation tire identification number"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, overstrike line 7

Page 2, line 8, remove "(4)"

Page 2, line 14, remove the overstrike over "e."

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, overstrike line 15

Page 2, line 16, remove "e."

Page 2, line 16, remove "An individual"

Page 2, line 16, overstrike "charged with violating this section has the burden of"

Page 2, line 17, remove "showing"

Page 2, line 17, overstrike "that the modifications are permitted under this"

Page 2, overstrike line 18

Page 2, line 19, remove "f."

Page 2, line 21, replace "g." with "f."

Renumber accordingly

**2015 CONFERENCE COMMITTEE**

**SB 2166**

# 2015 SENATE STANDING COMMITTEE MINUTES

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

SB 2166  
4/6/2015  
Recording job number 25853

Subcommittee  
 Conference Committee

Committee Clerk Signature

*Doris E. Arney*

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

Relating to entries against driving records; to relating to authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and modified vehicles

## **Minutes:**

Attachments: 0

**Chairman Oehlke** opened the conference committee on SB 2166. Present were Chairman Oehlke, Senator Rust, Senator Sinner, Representative Weisz, Representative Rick Becker and Representative Marvin Nelson.

**Chairman Oehlke** On page 5, lines 9-10 and 12-14 the only question I have: would tires like that have a DOT id number?

**Rep. Nelson:** if they are street legal they have a DOT number.

**Rep. Weisz:** if it is a street legal tire, with DOT's TIN, it doesn't change other requirements as far as bumper height. If you have a "taller" tire it wouldn't meet the other DOT safety requirements. We are not changing the other safety requirements.

**Chairman Oehlke:** would that conflict with lines 23-24 page 5?

**Rep. Weisz:** We had a long discussion on that: where is the consistency? If the vehicle is low I can lift it 4 inches and it can still drive under a high vehicle that was lifted 4 inches. Those lines do not specify the type of vehicle.

**Senator Rust:** The House turned this 1 page bill into a 5 page bill. What did you do and why?

**Rep. Weisz:** we changed the penalty to be the same as the others. Currently it is in the criminal section, we did not think modifying a vehicle should be criminal. That was the only reason. We put it under section 3. Some of the testimony that came up was that the fines varied dramatically from district court to district court.

**Senator Rust:** did you get any feedback from DOT?

Representatives remembered them being at the hearing, but not if they said anything in opposition.

**Chairman Oehlke**: lines 13-14, page 3, removing them means you can't use moving violation or a modified vehicle as the primary reason to stop them. Is that so?

**Tom Iverson**, ND Highway Patrol, Safety and Education Officer: It would still be a primary offense.

**Chairman Oehlke** gave background on the reason for this bill (segment 17:04 - 17:41)

**Rep Weisz**: we had discussions regarding the registered weight, it doesn't matter what the actual weight is. The question is are we talking registered or actual weight? Lines 23-24 page 4

**Chairman Oehlke** it would be what is considered the unmodified and unloaded weight of the vehicle.

**Tom Iverson**: the weight is computed unmodified and unloaded weight, not the registered gross weight. It would be kind of what is coming out of the factory floors. We can weight them with our weight truck scales and it would be what they weight at that time, the actual weight.

Committee discussed where in vehicle would the weight be: VIN, license? What if it had been retro fitted, what weight is it?

**Tom Iverson** it is a tricky situation, especially on the side of the road, is this vehicle under the 7,000 lbs. threshold? We are coming up with vehicles that are between 7,000 lbs. and 10,000 lbs., they are exempt from those modifications. I am yet to find a definition of "unmodified and unloaded weight". Commercial vehicles would fall under different section of code, 10,001 lbs. or more. If there are exemptions in here I don't know.

**Senator Sinner**: is there an exemption for grain trucks? Is there a specific minimum or maximum bumper height for commercial vehicles 10K and over?

**Rep. Weisz**: they are no longer licensed as over the road vehicles, they just become an agricultural piece of equipment. The maximum bumper height: 27" can put in a drop bumper. There are some exemptions in federal requirement. Bumper is no longer there, it is rear end protection.

**Rep. Nelson**: On bottom of page 4 , an 8K lbs. truck wouldn't even be required to have a bumper. How would the weight apply to the bumper height but not to have the bumper?

Committee members discussed the intent of the language in 39-21-45.1 lines 22 forward.

**Chairman Oehlke** closed the hearing.

# 2015 SENATE STANDING COMMITTEE MINUTES

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

SB 2166  
4/14/2015  
Recording job number 26097

Conference Committee

Committee Clerk Signature

*Agnes E. Pérez*

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

Relating to entries against driving records; to relating to authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and modified vehicles.

## **Minutes:**

Attachments: 2

**Chairman Oehlke** opened the conference committee on SB 2166, second meeting. Present were **Senator Rust**, **Senator Sinner**, **Rep. Weisz**, **Rep. Becker**, and **Rep. Nelson**. **Senator Sinner** distributed amendments LC 15.0376.02002, attachment #1

**Cole Derks**, Transportation Committee Intern, spoke with Legislative Council regarding LC 15.0376.02002, christmas tree version (attachment # 2), page 4 remove lines 19-25, page 5 line 4 modify this sentence so it would read something to the effect of: "an individual who operates a registered motor vehicle on a highway may not modify that vehicle unless it complies with the following" it would then accomplish the intent of the committee.

**Rep. Weisz:** the language in a, b, c and would say you cannot operate a modified vehicle except for a, b, c, and d. "d" is already gone, so a, b, and c. Line 28, number 3 would apply regardless. I can live with that.

**Chairman Oehlke:** the motion then would read that the House recede and further amend?

**Rep. Becker** moved the House recede from House amendments and amend as follows

**Rep. Weisz** seconded the motion

Committee members discussed language that would replace on page 5, line 4 and lines 23 - 24. Motion and second would include removing lines 23 and 24, and on page 4 remove lines 19-25.

**Chairman Oehlke** we will call the roll on the motion SB 2166

**Roll call vote was taken: Yes 6 No 0 Absent 0**

**Senate Carrier: Chairman Oehlke**

**House Carrier: Rep Weisz**

April 14, 2015

1085  
TD  
4/15/15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

That the House recede from its amendments as printed on page(s) 940-944 of the Senate Journal and pages 1090-1094 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 1, line 1, after "to" insert "create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to"

Page 1, line 1, replace "section" with "sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-05. Offenses excepted.**

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 9.8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.**

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, ~~section 39-21-44~~, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

**SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations

Conviction of:	Points Assigned:
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving	3 points
(6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11	4 points
(7) <del>Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance</del>	<del>2 points</del>
(8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance	2 points



- (9)(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance 24 points
- (10)(9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance 2 points
- (11)(10) Driving in violation of the conditions of an instruction permit 2 points

**SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.**

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
  - a. Reckless driving.
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
  - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
  - d. ~~Operating a modified vehicle.~~
  - e. Driving without liability insurance in violation of section 39-08-20.
  - f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
  - g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate."

- Page 1, line 7, overstrike "Except as otherwise provided in this section,"
- Page 1, line 7, remove "an individual"
- Page 1, line 7, overstrike "may not operate"
- Page 1, overstrike line 8
- Page 1, line 9, overstrike "laws of this state with a weight of"

Page 1, line 9, remove "ten"

Page 1, line 9, overstrike "thousand pounds ["

Page 1, line 9, remove "4535.92"

Page 1, overstrike lines 10 through 15

Page 1, line 16, remove "a."

Page 1, line 16, overstrike "The motor vehicle must be equipped with front and rear bumpers."

Page 1, line 17, remove "b."

Page 1, line 17, overstrike "The maximum body height permitted for the motor vehicle is forty-two inches"

Page 1, overstrike lines 18 and 19

Page 1, line 20, remove "c."

Page 1, line 20, overstrike "The maximum bumper height permitted is twenty-seven inches [68.58"

Page 1, overstrike lines 21 and 22

Page 1, line 23, remove "d."

Page 1, line 23, overstrike "The" and insert immediately thereafter "An individual who operates a registered motor vehicle on a highway may not modify that"

Page 1, line 23, overstrike "may be modified in accordance with the following" and insert immediately thereafter "unless the modification meets the following requirements"

Page 2, line 1, remove the overstrike over "a."

Page 2, line 1, remove "(1)"

Page 2, line 2, replace "the director's requirements" with "any other requirement applicable to a vehicle under chapter 39-21"

Page 2, line 3, remove the overstrike over "b."

Page 2, line 3, remove "(2)"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 5, remove "the director's"

Page 2, line 5, overstrike "requirements" and insert immediately thereafter "a United States department of transportation tire identification number"

Page 2, line 6, remove the overstrike over "e."

Page 2, line 6, remove "(3)"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, overstrike line 7 and insert immediately thereafter "The maximum body height permitted for a motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area."

Page 2, line 8, remove "(4)"

Page 2, line 8, overstrike "A horizontal drop bumper may be used to comply with the bumper height"

Page 2, line 9, overstrike "requirement of subsection 3. The horizontal bumper must"

Page 2, line 10, remove "be"

Page 2, line 10, overstrike "at least three inches [7.62 centimeters] in vertical width;"

Page 2, line 11, remove "extend"

Page 2, line 11, overstrike "the entire horizontal body width; and"

Page 2, line 12, remove "be"

Page 2, line 12, overstrike "horizontal, load bearing, and attached to the vehicle frame to"

Page 2, overstrike line 13

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, overstrike line 15

Page 2, line 16, remove "e."

Page 2, line 16, remove "An individual"

Page 2, line 16, overstrike "charged with violating this section has the burden of"

Page 2, line 17, remove "showing"

Page 2, line 17, overstrike "that the modifications are permitted under this"

Page 2, overstrike line 18 and insert immediately thereafter:

"2. An individual may not operate a registered motor vehicle on a highway unless the motor vehicle is equipped with front and rear bumpers. The height of the bumper must not exceed twenty-seven inches [68.58 centimeters] and this measurement is made from a level ground surface to the highest point on the bottom of the bumper. A horizontal drop bumper may be used to comply with this subsection and must be at least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body width; and be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged."

Page 2, line 19, after "6." insert "3."

Page 2, line 19, remove "f."

Page 2, line 21, after the "7." insert "4."

Page 2, line 21, remove "g."

Re-number accordingly

**2015 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

SB 2166 as (re) engrossed

**Senate Transportation Committee**

- Action Taken
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
- Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Becker Seconded by: Rep. Weisz

Senators				Yes	No	Representatives				Yes	No
Chairman Oehlke				X		Rep. Weisz				X	
Senator Rust				X		Rep. Becker				X	
Senator Sinner				X		Rep. Nelson				X	
Total Senate Vote				3		Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator Oehlke House Carrier Rep. Weisz

LC Number 15.0376.02002 . \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment: see attachments #1 and #2

**REPORT OF CONFERENCE COMMITTEE**

**SB 2166, as engrossed:** Your conference committee (Sens. Oehlke, Rust, Sinner and Reps. Weisz, Rick C. Becker, M. Nelson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 940-943, adopt amendments as follows, and place SB 2166 on the Seventh order:

That the House recede from its amendments as printed on page(s) 940-944 of the Senate Journal and pages 1090-1094 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 1, line 1, after "to" insert "create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to"

Page 1, line 1, replace "section" with "sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-05. Offenses excepted.**

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 9-8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.**

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, ~~section~~ section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

**SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations  
Conviction of:

Points Assigned:

- |   |                     |
|---|---------------------|
| (1) Reckless driving in violation of section 39-08-03, or equivalent ordinance  | 8 points            |
| (2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance   | 12 points           |
| (3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances                      | 14 points           |
| (4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance                                     | 18 points           |
| (5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving                | 3 points            |
| (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11                  | 4 points            |
| (7) <del>Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance</del>   | <del>2 points</del> |
| (8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance               | 2 points            |
| (9)(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance  | 24 points           |
| (10)(9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway | 2 points            |

system in violation of subsection 5 of section 39-10-26,  
or equivalent ordinance

~~(11)~~(10) Driving in violation of the conditions of an instruction permit 2 points

**SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.**

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
  - a. Reckless driving.
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
  - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
  - d. ~~Operating a modified vehicle.~~
  - e. Driving without liability insurance in violation of section 39-08-20.
  - f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
  - g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate."

Page 1, line 7, overstrike "Except as otherwise provided in this section,"

Page 1, line 7, remove "an individual"

Page 1, line 7, overstrike "may not operate"

Page 1, overstrike line 8

Page 1, line 9, overstrike "laws of this state with a weight of"

Page 1, line 9, remove "ten"

Page 1, line 9, overstrike "'thousand pounds ["

Page 1, line 9, remove "4535.92"

Page 1, overstrike lines 10 through 15

Page 1, line 16, remove "a."

Page 1, line 16, overstrike "The motor vehicle must be equipped with front and rear bumpers."

Page 1, line 17, remove "b."

Page 1, line 17, overstrike "The maximum body height permitted for the motor vehicle is forty-two inches"

Page 1, overstrike lines 18 and 19

Page 1, line 20, remove "c."

Page 1, line 20, overstrike "The maximum bumper height permitted is twenty-seven inches [68.58"

Page 1, overstrike lines 21 and 22

Page 1, line 23, remove "d."

Page 1, line 23, overstrike "The" and insert immediately thereafter "An individual who operates a registered motor vehicle on a highway may not modify that"

Page 1, line 23, overstrike "may be modified in accordance with the following" and insert immediately thereafter "unless the modification meets the following requirements"

Page 2, line 1, remove the overstrike over "~~a-~~"

Page 2, line 1, remove "(1)"

Page 2, line 2, replace "the director's requirements" with "any other requirement applicable to a vehicle under chapter 39-21"

Page 2, line 3, remove the overstrike over "~~b-~~"

Page 2, line 3, remove "(2)"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 5, remove "the director's"

Page 2, line 5, overstrike "requirements" and insert immediately thereafter "a United States department of transportation tire identification number"

Page 2, line 6, remove the overstrike over "~~e-~~"

Page 2, line 6, remove "(3)"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, overstrike line 7 and insert immediately thereafter "The maximum body height permitted for a motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area."

Page 2, line 8, remove "(4)"

Page 2, line 8, overstrike "A horizontal drop bumper may be used to comply with the bumper height"



Page 2, line 9, overstrike "requirement of subsection 3. The horizontal bumper must"

Page 2, line 10, remove "be"

Page 2, line 10, overstrike "at least three inches [7.62 centimeters] in vertical width;"

Page 2, line 11, remove "extend"

Page 2, line 11, overstrike "the entire horizontal body width; and"

Page 2, line 12, remove "be"

Page 2, line 12, overstrike "horizontal, load bearing, and attached to the vehicle frame to"

Page 2, overstrike line 13

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, overstrike line 15

Page 2, line 16, remove "e."

Page 2, line 16, remove "An individual"

Page 2, line 16, overstrike "charged with violating this section has the burden of"

Page 2, line 17, remove "showing"

Page 2, line 17, overstrike "that the modifications are permitted under this"

Page 2, overstrike line 18 and insert immediately thereafter:

"2. An individual may not operate a registered motor vehicle on a highway unless the motor vehicle is equipped with front and rear bumpers. The height of the bumper must not exceed twenty-seven inches [68.58 centimeters] and this measurement is made from a level ground surface to the highest point on the bottom of the bumper. A horizontal drop bumper may be used to comply with this subsection and must be at least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body width; and be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged."

Page 2, line 19, after "6." insert "3."

Page 2, line 19, remove "f."

Page 2, line 21, after the "7." insert "4."

Page 2, line 21, remove "g."

Renumber accordingly

Engrossed SB 2166 was placed on the Seventh order of business on the calendar.

**2015 TESTIMONY**

**SB 2166**

WT # 1 page 1-1

**Senate Bill 2166**  
**Transportation Committee**  
**Senator Dave Oehlke, Chairman**  
**January 29, 2015**

Mr. Chairman and members of the Senate Transportation Committee, my name is Captain Kyle Ternes, eastern division commander of the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2166.

This bill would close a gap in the law, providing bumper height restrictions and other necessary requirements for vehicles weighing 10,000 pounds or less. Certain vehicles are currently exempt from bumper height laws because of increased weight, a situation that didn't exist a decade ago. Currently, any motor vehicle with an unmodified weight exceeding 7,000 pounds would be exempt from the modified vehicle requirements. These requirements include bumper height, body height, tire diameter, and suspension.

Senate Bill 2166 would ensure all vehicles traveling on our state's roadways meet minimum safety requirements, enhancing overall traffic safety. Modified vehicles would be required to abide by the necessary vehicle restrictions by increasing the threshold of the unmodified weight from 7,000 to 10,000 pounds.

This concludes my testimony. I'd be happy to answer any questions.

WT #2  
1/29/15

## Testimony for Senate Bill 2166 – Senate Transportation Committee

Chairman Oehlke and members of the Senate Transportation Committee for the record my name is Jeff Evink with Professional Insurance Agents of North Dakota (PIAND) and I am here today in support of Senate Bill 2166. PIAND is a trade association representing over 300 main street insurance agencies across the state of North Dakota with over 1,000 independent insurance agents.

In the interest of protecting everyone who uses the highways and roads of North Dakota it is good public policy to require that motor vehicles have front and rear bumpers that all have to meet the same requirements. Just because someone chooses to purchase a smaller vehicle doesn't mean that they should have to worry about the extra risk of having an accident with a 7,000 – 10,000 pound vehicle with an excessive lift kit. Depending on the size of the lift kits; these vehicles could basically drive over the top of some smaller cars on the road. In the case of a head on collision instead of bumper to bumper contact the lift kit vehicles bumper could hit the windshield of the smaller car, which you can about imagine how much worse that would be for the driver of the car. Having a maximum bumper height of twenty-seven inches for all motor vehicles fewer than 10,000 pounds makes sense and would make our roads safer. The ideal collision zone for two vehicles as far as safety and impact distribution goes is bumper to bumper, and this bill will increase the chances that more vehicle accidents fall under this example. We realize that there are still some exceptions to the new rule and nothing is going to help the collision impact between a car and a semi, but when we can make some of these other collisions safer for North Dakotans I feel it's a good idea.

It is in the interests of all the citizens of North Dakota I would encourage a Do Pass recommendation on Senate Bill 2166 and would be happy to answer any questions that you may have.

PROPOSED AMENDMENT TO SENATE BILL NO. 2166

3-1  
1/29/15

Page 2, line 1 replace "specialty equipment marketing" with "the director's requirements"

Page 2, line 2 remove "association standards"

**NDLA, Intern 02 - Derks, Cole**

---

**From:** Sinner, George B.  
**nt:** Friday, February 06, 2015 8:37 AM  
**o:** NDLA, Intern 02 - Derks, Cole  
**Subject:** Fwd: Bumper Height

Begin forwarded message:

**From:** "Iverson, Lt. Thomas O." <[tiverson@nd.gov](mailto:tiverson@nd.gov)>  
**Date:** January 29, 2015 at 4:22:04 PM CST  
**To:** "Oehlke, H. Dave" <[doehlke@nd.gov](mailto:doehlke@nd.gov)>  
**Cc:** "Sinner, George B." <[georgesinner@nd.gov](mailto:georgesinner@nd.gov)>, "Ternes, Capt. Kyle" <[kternes@nd.gov](mailto:kternes@nd.gov)>  
**Subject:** Bumper Height

Senator,

Captain Kyle Ternes requested I forward you some information regarding maximum bumper height from some of our surrounding states. This is what I was able to put together.

Minnesota

- Maximum bumper height of 20 inches on passenger motor vehicles
- Maximum bumper height of 25 inches on 4-wheel drive multipurpose type vehicles

South Dakota

- There is no reference to bumper height, but taillights can be no more than 70 inches from the ground.

Montana

- No bumper height restrictions

Also, for clarification purposes, an infraction carries a maximum fine of \$1,000.

Tom Iverson  
NDHP

SB 2166  
3-12-15  
#1

**Senate Bill 2166**  
**House Transportation Committee**  
**Representative Dan Ruby, Chairman**  
**March 12, 2015**

1 of 2

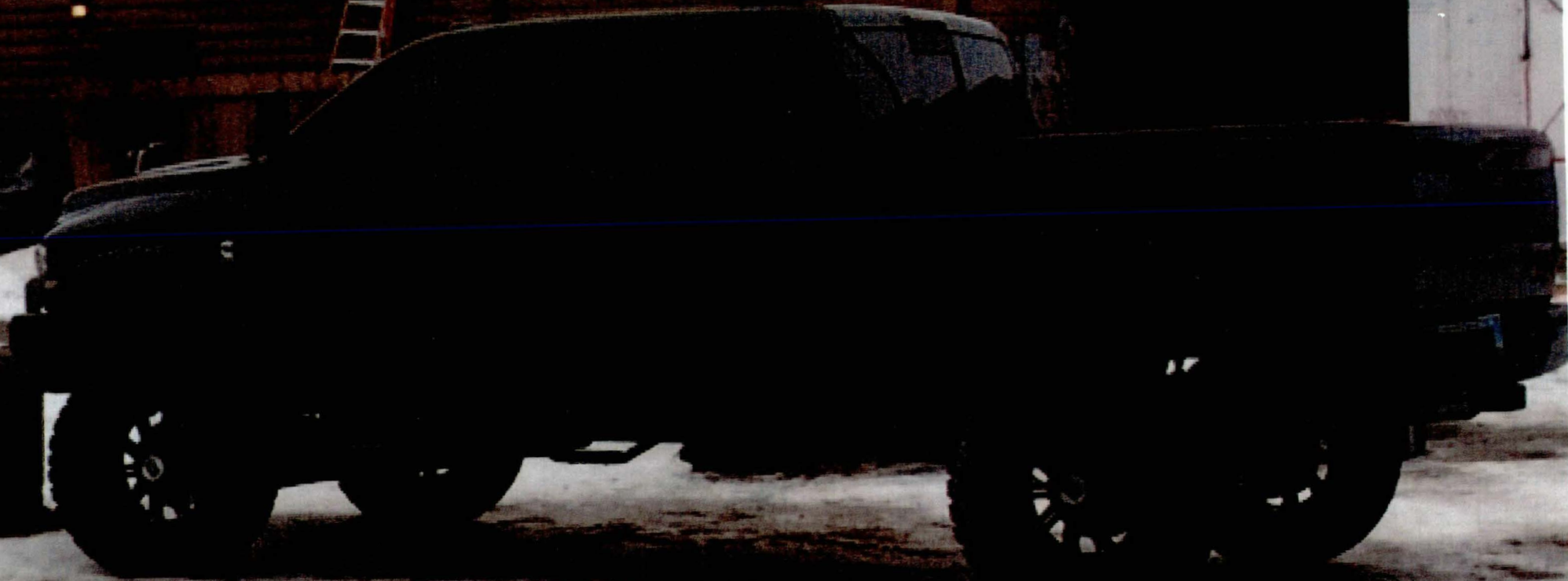
Mr. Chairman and members of the House Transportation Committee, my name is Captain Kyle Ternes, eastern division commander of the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2166.

This bill would close a gap in the law, providing bumper height restrictions and other necessary requirements for vehicles weighing 10,000 pounds or less. Certain vehicles are currently exempt from bumper height laws because of increased weight, a situation that didn't exist a decade ago. Currently, any motor vehicle with an unmodified weight exceeding 7,000 pounds would be exempt from the modified vehicle requirements. These requirements include bumper height, body height, tire diameter, and suspension.

Senate Bill 2166 would ensure all vehicles traveling on our state's roadways meet minimum safety requirements, enhancing overall traffic safety. Modified vehicles would be required to abide by the necessary vehicle restrictions by increasing the threshold of the unmodified weight from 7,000 to 10,000 pounds.

This concludes my testimony. I'd be happy to answer any questions.

SB2166  
3-12-15  
2 of 2





Proposed amendment to the Senate passed bill

Note the Items in RED denote an amendment to the Senate Passed bill

#2 3-12-15

1 A BILL for an Act to amend and reenact section 39-21-45.1 of the North Dakota Century Code,  
2 relating to modified vehicles.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 SECTION 1. AMENDMENT. Section 39-21-45.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 39-21-45.1. Modification of motor vehicle.

7 1. Except as otherwise provided in this section, ~~a person~~ an individual may not operate  
8 upon a public highway a motor vehicle of a type required to be registered under the  
9 laws of this state with a weight of ~~seven~~ ten thousand pounds [~~3175.14~~ 4535.92  
10 kilograms] or less with alterations or changes from the manufacturer's original design  
11 of the suspension, steering, or braking system of the motor vehicle. The weight must  
12 be computed on the basis of the unmodified and unloaded weight of the motor vehicle  
13 and without regard to any ballast that may be placed in the vehicle.

Note the Items in RED denote an amendment to the Senate Passed bill

The elimination of the word "original" should allow the use of automotive aftermarket parts.

On Page 2 Language in the senat passed bill.

2 of 5

1. (1) Any modifying equipment must meet specialty equipment marketing
2. ~~association standards~~ the director's requirements

Amend to

1. (1) Motor vehicles under this section may have improved modifications to the suspension,
2. steering, or braking system either by modifying the original equipment or replacing
3. original parts with fabricated parts or those taken from other existing vehicles.

The above is adapted from 39-21-52 - Exemption for certain street rod vehicles.

Language in the senate pass bill.

3. (2) If tires placed on a motor vehicle have a diameter greater than that of the
4. tires on the motor vehicle as manufactured, those tires must comply with
5. ~~department of transportation~~ the director's requirements.

Ammend to

Started at 3 -4.. (2).Tires placed on a motor vehicle covered in this section must be branded

- 5.. with US DOT tire identification number (TIN).

See attached on US DOT tire identification (TIN)

1. A BILL for an Act to amend and reenact section 39-21-45.1 of the North Dakota Century Code,
2. relating to modified vehicles.

**3. BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4. **SECTION 1. AMENDMENT.** Section 39-21-45.1 of the North Dakota Century Code is
5. amended and reenacted as follows:

**6. 39-21-45.1. Modification of motor vehicle.**

7. 1. Except as otherwise provided in this section, ~~a person~~ an individual may not operate
8. upon a public highway a motor vehicle of a type required to be registered under the
9. laws of this state with a weight of ~~seven~~ ten thousand pounds [~~3175.14~~ 4535.92
10. kilograms] or less with alterations or changes from the manufacturer's **original** design
11. of the suspension, steering, or braking system of the motor vehicle. The weight must
12. be computed on the basis of the unmodified and unloaded weight of the motor vehicle
13. and without regard to any ballast that may be placed in the vehicle.

14. 2. As to bumpers, motor vehicle height, and permitted modifications, the following
15. requirements also apply:

16. ~~1.~~ a. The motor vehicle must be equipped with front and rear bumpers.

17. ~~2.~~ b. The maximum body height permitted for the motor vehicle is forty-two inches

18. [106.68 centimeters]. Measurement of body height is made from a level ground

19. surface to the floor of the cargo area.

20. ~~3.~~ c. The maximum bumper height permitted is twenty-seven inches [68.58

21. centimeters]. Measurement of bumper height is made from a level ground

22. surface to the highest point on the bottom of the bumper.

23. 4. d. The vehicle may be modified in accordance with the following:

1. a. (1) Motor vehicles under this section may have improved modifications to the suspension,
2. steering, or braking system either by modifying the original equipment or replacing
3. original parts with fabricated parts or those taken from other existing vehicles.
4. b. (2). Tires placed on a motor vehicle covered in this section must be branded
5. with US DOT tire identification number (TIN).
6. c. (3) The maximum outside diameter permitted for tires is forty-four inches
7. [111.76 centimeters].
8. d. (4) A horizontal drop bumper may be used to comply with the bumper height
9. requirement of subsection 3. The horizontal bumper must:
10. Be be at least three inches [7.62 centimeters] in vertical width;
11. ~~Extend~~ extend the entire horizontal body width; and
12. Be be horizontal, load bearing, and attached to the vehicle frame to
13. effectively transfer impact when engaged.
14. e. (5) The maximum lift permitted in the suspension system is four inches [10.16
15. centimeters].
16. 5. e. ~~A person~~ An individual charged with violating this section has the burden of
17. ~~proceeding to show~~ showing that the modifications are permitted under this
18. section.
19. 6. f. Vehicles owned by law enforcement agencies, the military, firefighting agencies,
20. and ambulances may be modified without regard to this section.
21. 7. g. The director may adopt rules to implement this section.

## DOT Tire Identification Number (TIN)

 [Lea esta página en español](#)

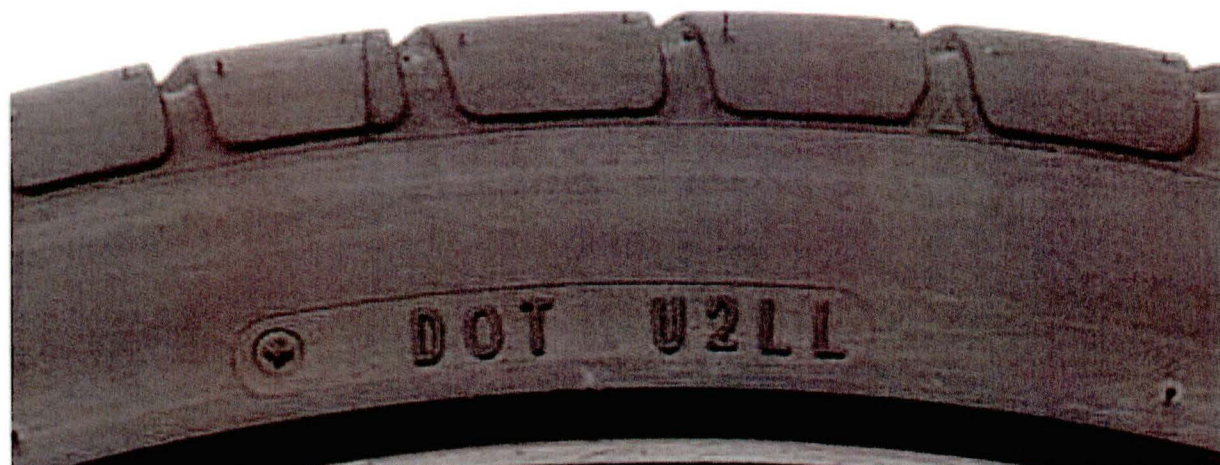
5 of 5

Federal law requires tire manufacturers to provide standardized information permanently branded on the sidewalls of all tires sold in the United States. This includes information about the tire's basic characteristics, capacities and construction, as well as its U.S. Department of Transportation (DOT) Tire Identification Number used for safety standard certification and in case of a recall.

Current regulations require that Tire Identification Numbers begin with the letters "DOT," followed by ten, eleven or twelve characters (see photo below) that can be used to identify the manufacturing location, tire size and manufacturer's specifications, along with the week and year the tire was manufactured. So while DOT Tire identification Numbers are commonly but erroneously referred to as the tire's serial number, unlike the serial numbers used on most other consumer goods that identify one specific item, Tire Identification Numbers actually identify production batches.



Regulations also require the entire DOT Tire Identification Number to be branded on one sidewall while only the letters "DOT" and the first digits of the Tire Identification Number must be branded onto the opposite sidewall (shown below). Therefore it is possible to see a Tire Identification Number that appears incomplete, yet simply requires looking at the tire's other sidewall to find the complete Tire Identification Number.



Because not all tires are intended to be imported and sold in the United States, many tires are developed and produced without being tested by their manufacturer to confirm they meet all U.S. Federal Motor Vehicle Safety Standards (FMVSS). Without conducting the tests and certifying these tires meet U.S. requirements, these tires are not allowed to be branded "DOT" (shown below) and cannot be legally driven in the United States.

## John Roswick

---

**From:** John Roswick [jroswick@mmeinc.com]  
**Sent:** Tuesday, March 03, 2015 2:32 PM  
**To:** 'arik@ndmca.org'  
**Subject:** FW: SB 2166  
**Attachments:** SB 2166.doc

SB 2166  
3-12-15  
#3

Copies of what's going on..

**From:** John Roswick [mailto:jroswick@mmeinc.com]  
**Sent:** Tuesday, March 03, 2015 11:25 AM  
**To:** 'mnelson@nd.gov'  
**Subject:** SB 2166

1 of 5

Mark, this is what I am trying to protect. These are all LOWERED vehicles that would be permitted under the existing ND 39-1-45.1

I have attached the Current statute and the bill as passed by the senate.

If you can't understand Lowered trucks.. So think of them as Very unusual Sports Sedans/Coupes/Wagons.

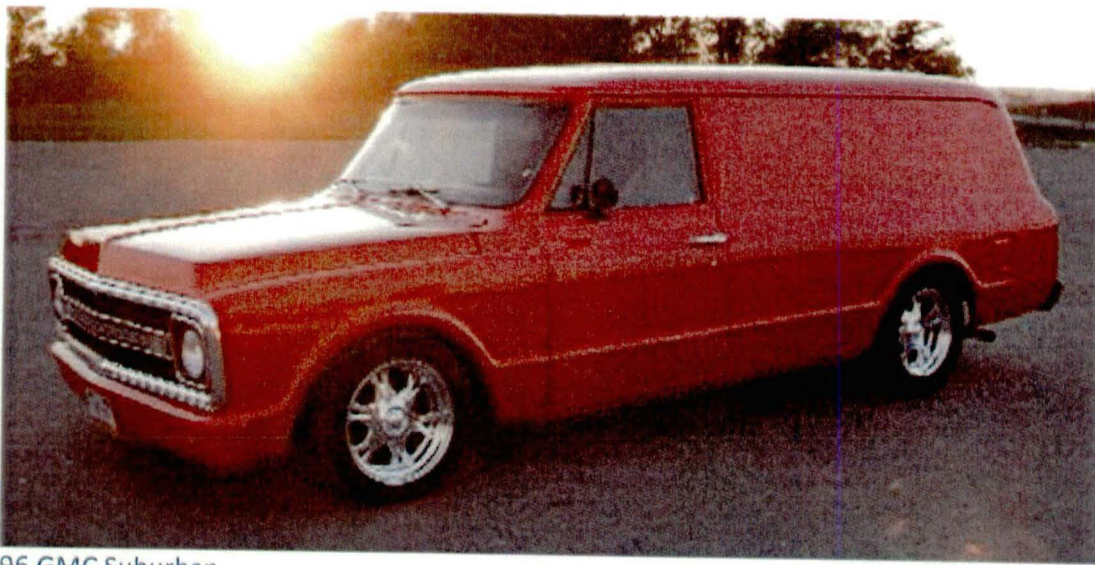
So I looked back to see what I have lowered so far..

Some of my previous work.  
95 Chevy Long Box W/T



69 Chev Pickup Panel

2 of 5



96 GMC Suburban



94 GMC Stepside



Just don't think I do only GM Products  
2001 Ford 250 Super Duty 7.3 Diesel

3 of 5



In the lot after the Lowering job for a family picture.



This one we didn't have to fool much with.



that Just the Trucks..

Also Lowered a few cars..

78 Camaro Z28 with Aftermarket 5 speed (Doug Nash)– Lowered sub frame - Autocross Car. Actual Picture can't see much of the Lowering Job as it's lifting the right front wheel. Sticky tires and an abundance of Horsepower.



4 of 5



83 Mercedes – AMG Springs, Struts....Similar Car. Mine was Maroon. Think Miami Vice



76-77 280 Z – Also used in Autocross. Similar car Color is right - wheels had gold centers.



82 911 Porsche

5 of 5



Current Project. 2012 Chevy Silverado.

Well, we got the Truck and the wheels which are now mounted. We should be able to get close to this look. Hopefully without the snow and crud..

What we got now Silverado with Suburban 20" wheels and more chrome on the front than a 71 Kenworth.



We hope to build this digitally altered lowered version.



#1 SB 2166  
3-19-15

PROPOSED AMENDMENTS TO SB 2166

1 of 2  
w/corrections

Page 1, line 9, remove the overstrike over "~~seven~~"

Page 1, line 9, remove "ten"

Page 1, line 9 remove the overstrike over "3175.14"

Page 1, line 10, remove "4535.92"

Page 2, line 2, replace "the director's" with "any other"

Page 2, line 2, replace "requirements" with "requirement"

Page 2, line 2, after "requirements" insert "applicable to a vehicle under section 39-21"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 4, after "comply" insert "a United States department of transportation tire identification number"

Page 2, line 5 remove "the director's"

Page 2, line 5, overstrike "requirements"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, line 7, overstrike "[111.76 centimeters]"

Page 2, line 8, remove "(4)"

Page 2, line 14, remove the overstrike over "e."

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, line 15, remove "centimeters]."

Page 2, line 16 remove "e."

Page 2, line 16 remove "An individual"

Page 2, line 16 overstrike "charged with a violating this section has the burden of"

Page 2, line 17 remove "showing"

Page 2, line 17 overstrike "that the modifications are permitted under this"

Page 2, line 18 overstrike "section."

Page 2, line 21 remove "g."

Renumber accordingly

#1

3-20-15  
SB 2166

1 of 4

PROPOSED AMENDMENTS TO SB 2166

Page 1, line 1, after "to" insert "create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving record; to"

Page 1, line 1, after "section" insert "39-06.1-05, 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, section 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving record, discretion for release upon promise to appear and"

Page 1, after line 3, insert:

**SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-05. Offenses excepted.**

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1.~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
9. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.**

For the purposes of section 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, sections 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3. AMENDMENT.** Subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

<u>(40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance</u>	<u>2 points</u>
--	-----------------

**SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 is amended and reenacted as follows:

b. Criminal Violations

Conviction of:	Points Assigned:
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or	3 points

- contact lenses while driving
- (6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11 4 points
- (7) ~~Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance~~ 2 points
- (8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance 2 points
- (9) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance 24 points
- (10) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance 2 points
- (11) Driving in violation of the conditions of an instruction permit 2 points

**SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:

- a. Reckless driving.
- b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
- c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
- d. ~~Operating a modified vehicle.~~
- e. Driving without liability insurance in violation of section 39-08-20.

f. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.

~~g.~~ Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate.

Renumber accordingly



April 10, 2015

H-1  
4/14/15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

That the House recede from its amendments as printed on pages 940-944 of the Senate Journal and pages 1090-1094 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 1, line 1, after "to" insert "create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to"

Page 1, line 1, replace the "section" with "sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-05. Offenses excepted.**

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1.~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 9-8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

SB 2166  
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1-2

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.**

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, ~~section~~section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

**SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations Conviction of:	Points Assigned:
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving	3 points
(6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11	4 points
(7) <del>Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance</del>	2 points
(8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance	2 points

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- (9)(8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance 24 points
- (10)(9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance 2 points
- (11)(10) Driving in violation of the conditions of an instruction permit 2 points

**SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.**

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:
  - a. Reckless driving.
  - b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
  - c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
  - d. ~~Operating a modified vehicle.~~
  - e. Driving without liability insurance in violation of section 39-08-20.
  - f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
  - g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate."

Page 1, line 9, remove the overstrike over "seven"

Page 1, line 9, remove "ten"

Page 1, line 9, remove the overstrike over "3175.14"

Page 1, line 9, remove "4535.92"

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Page 1, line 14, overstrike "As to bumpers, motor vehicle height, and permitted modifications, the following"

Page 1. overstrike line 15

Page 1. line 16, remove "a."

Page 1. line 16, overstrike "The motor vehicle must be equipped with front and rear bumpers."

Page 1, line 17, remove "b."

Page 1, line 17, overstrike "The maximum body height permitted for the motor vehicle is forty-two inches"

Page 1, overstrike lines 18 and 19

Page 1, line 20, remove "c."

Page 1, line 20, overstrike "The maximum bumper height permitted is twenty-seven inches [68.58

Page 1, overstrike lines 21 and 22

Page 1, line 23, remove "d."

Page 1, line 23, overstrike "The" and insert immediately thereafter "An individual who operates a registered motor vehicle on a highway may modify that"

Page 1, line 23, overstrike "may be modified in accordance with the following" and insert immediately thereafter "as follows"

Page 2, line 1, remove the overstrike over "a."

Page 2, line 1, remove "(1)"

Page 2, line 2, replace "the director's requirements" with "any other requirement applicable to a vehicle under chapter 39-21"

Page 2, line 3, remove the overstrike over "b."

Page 2, line 3, remove "(2)"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 5, remove "the director's"

Page 2, line 5, overstrike "requirements" and insert immediately thereafter "a United States department of transportation tire identification number"

Page 2, line 6, remove the overstrike over "e."

Page 2, line 6, remove "(3)"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, overstrike line 7 and insert immediately thereafter "The maximum body height permitted for a motor vehicle is forty-two inches [106.68 centimeters]. Measurement of body height is made from a level ground surface to the floor of the cargo area."

Page 2, line 8, remove the overstrike over "d."

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Page 2, line 8, remove "(4)"

Page 2, line 8, overstrike "A horizontal drop bumper may be used to comply with the bumper height"

Page 2, overstrike line 9

Page 2, line 10, overstrike "(1) Be"

Page 2, line 10, remove "be"

Page 2, line 10, overstrike "at least three inches [7.62 centimeters] in vertical width;"

Page 2, line 11, overstrike "(2) Extend"

Page 2, line 11, remove "extend"

Page 2, line 11, overstrike "the entire horizontal body width; and"

Page 2, line 12, overstrike "(3) Be"

Page 2, line 12, remove "be"

Page 2, line 12, overstrike "horizontal, load bearing, and attached to the vehicle frame to"

Page 2, overstrike line 13

Page 2, line 16, remove "e."

Page 2, line 16, remove "An individual"

Page 2, line 16, overstrike "charged with violating this section has the burden of"

Page 2, line 17, remove "showing"

Page 2, line 17, overstrike "that the modifications are permitted under this"

Page 2, overstrike line 18 and insert immediately thereafter:

"3. An individual may not operate a registered motor vehicle on a highway unless the motor vehicle is equipped with front and rear bumpers. The height of the bumper must not exceed twenty-seven inches [68.58 centimeters] and this measurement is made from a level ground surface to the highest point on the bottom of the bumper. A horizontal drop bumper may be used to comply with this subsection and must be at least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body width; and be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged."

Page 2, line 19, overstrike "6." and insert thereafter "4."

Page 2, line 19, remove "f."

Page 2, line 21, after "7." insert "5."

Page 2, line 21, remove "g."

Renumber accordingly

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Sixty-fourth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2166

Introduced by

Senators Oehlke, Armstrong

1 A BILL for an Act to create and enact paragraph 40 to subdivision a of subsection 3 of section  
2 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to  
3 amend and reenact ~~section~~ sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of  
4 section 39-06.1-10, and sections 39-07-09 and 39-21-45.1 of the North Dakota Century Code,  
5 relating to authorized procedures for traffic violations, definitions of moving violations, entries  
6 against driving records, discretion for release upon promise to appear, and modified vehicles.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-06.1-05. Offenses excepted.**

11 The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized  
12 by a person charged with one of the following offenses:

- 13 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,  
14 or an equivalent ordinance.
- 15 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an  
16 equivalent ordinance.
- 17 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 18 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,  
19 or 39-08-08, or equivalent ordinances.
- 20 5. Driving while license or driving privilege is suspended or revoked in violation of section  
21 39-06-42, or an equivalent ordinance.
- 22 6. Violating subdivision b or c of subsection 5 of section 39-24-09.
- 23 7. ~~Operating a modified motor vehicle in violation of section 39-21-45.1.~~
- 24 ~~8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.~~

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1 ~~9-8.~~ Causing an accident with an authorized emergency vehicle or a vehicle operated by or  
2 under the control of the director used for maintaining the state highway system in  
3 violation of subsection 5 of section 39-10-26.

4 **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-06.1-09. Moving violation defined.**

7 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a  
8 violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01,  
9 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1,  
10 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05,  
11 39-12-06, 39-12-09, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of  
12 subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of  
13 chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section  
14 39-10-26, ~~sections~~section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46,  
15 and those sections within those chapters which are specifically listed in subsection 1 of section  
16 39-06.1-08.

17 **SECTION 3.** Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the  
18 North Dakota Century Code is created and enacted as follows:

19 (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point  
20

21 **SECTION 4. AMENDMENT.** Subdivision b of subsection 3 of section 39-06.1-10 of the  
22 North Dakota Century Code is amended and reenacted as follows:

23 b. Criminal Violations

Conviction of:	Points Assigned:
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points

- |    |   |                     |
|----|---|---------------------|
| 1  | (4) Leaving the scene of an accident involving personal                       | 18 points           |
| 2  | injury or death in violation of section 39-08-04, or                          |                     |
| 3  | equivalent ordinance  |                     |
| 4  | (5) Violating restrictions in a restricted license issued                     | 3 points            |
| 5  | under section 39-06-17 and relating to the use of                             |                     |
| 6  | eyeglasses or contact lenses while driving                                    |                     |
| 7  | (6) Violating any restrictions other than those listed in                     | 4 points            |
| 8  | paragraph 5, contained in a restricted license issued                         |                     |
| 9  | under section 39-06-17 or 39-06.1-11  |                     |
| 10 | (7) <del>Knowingly driving a modified motor vehicle in violation</del>        | <del>2 points</del> |
| 11 | <del>of section 39-21-45.1, or equivalent ordinance</del>                     |                     |
| 12 | <del>(8)</del> Except as provided in paragraph 9 of subdivision a,            | 2 points            |
| 13 | knowingly operating an unsafe vehicle in violation of                         |                     |
| 14 | section 39-21-46, or equivalent ordinance                                     |                     |
| 15 | <del>(9)</del> (8) Fleeing in a motor vehicle from a peace officer in         | 24 points           |
| 16 | violation of section 39-10-71, or equivalent ordinance                        |                     |
| 17 | <del>(10)</del> (9) Causing an accident with an authorized emergency          | 2 points            |
| 18 | vehicle or a vehicle operated by or under the control                         |                     |
| 19 | of the director used for maintaining the state highway                        |                     |
| 20 | system in violation of subsection 5 of section 39-10-26,                      |                     |
| 21 | or equivalent ordinance   |                     |
| 22 | <del>(11)</del> (10) Driving in violation of the conditions of an instruction | 2 points            |
| 23 | permit  |                     |

24 **SECTION 5. AMENDMENT.** Section 39-07-09 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **39-07-09. Offenses under which person halted may not be entitled to release upon**  
27 **promise to appear.**

28 Section 39-07-07 does not apply to a person if:

- 29 1. The halting officer has good reason to believe the person guilty of any felony or if the  
30 person is halted and charged with an offense listed in section 39-06.1-05 but not listed  
31 in subsection 2; or



- 1        2. The halting officer, acting within the officer's discretion, determines that it is
- 2            inadvisable to release the person upon a promise to appear and if the person has
- 3            been halted and charged with any of the following offenses:
- 4            a. Reckless driving.
- 5            b. Driving in excess of speed limitations established by the state or by local
- 6            authorities in their respective jurisdictions.
- 7            c. Driving while license or driving privilege is suspended or revoked for violation of
- 8            section 39-06-42, or an equivalent ordinance.
- 9            d. ~~Operating a modified vehicle.~~
- 10          ~~e.~~ Driving without liability insurance in violation of section 39-08-20.
- 11          ~~f.e.~~ Failing to display a placard or flag, in violation of any rule implementing section
- 12            39-21-44, while transporting explosive or hazardous materials.
- 13          ~~g.f.~~ Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

14 The halting officer forthwith shall take any person not released upon a promise to appear before  
15 the nearest or most accessible magistrate.

16        **SECTION 6. AMENDMENT.** Section 39-21-45.1 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18        **39-21-45.1. Modification of motor vehicle.**

- 19        1. Except as otherwise provided in this section, ~~a person~~ an individual may not operate
- 20            upon a public highway a motor vehicle of a type required to be registered under the
- 21            laws of this state with a weight of ~~seventen~~ seventeen thousand pounds [~~3175.144535.92-~~
- 22            kilograms] or less with alterations or changes from the manufacturer's original design
- 23            of the suspension, steering, or braking system of the motor vehicle. The weight must
- 24            be computed on the basis of the unmodified and unloaded weight of the motor vehicle
- 25            and without regard to any ballast that may be placed in the vehicle.
- 26        2. ~~As to bumpers, motor vehicle height, and permitted modifications, the following~~
- 27            ~~requirements also apply:~~
- 28            1. ~~a. The motor vehicle must be equipped with front and rear bumpers.~~
- 29            2. ~~b. The maximum body height permitted for the motor vehicle is forty-two inches~~
- 30                    ~~[106.68 centimeters]. Measurement of body height is made from a level ground~~
- 31                    ~~surface to the floor of the cargo area.~~

- 1        3. ~~e.~~ ~~The maximum bumper height permitted is twenty-seven inches [68.58-~~  
2                ~~centimeters]. Measurement of bumper height is made from a level ground-~~  
3                ~~surface to the highest point on the bottom of the bumper.~~
- 4        4. ~~d.~~ ~~The~~ An individual who operates a registered motor vehicle on a highway may  
5                modify that vehicle ~~may be modified in accordance with the following~~ as follows:
- 6                a. ~~(1)~~ Any modifying equipment must meet ~~specialty equipment marketing-~~  
7                ~~association standards~~ the director's requirements ~~any other requirement~~  
8                applicable to a vehicle under chapter 39-21.
- 9                b. ~~(2)~~ If tires placed on a motor vehicle have a diameter greater than that of the  
10                tires on the motor vehicle as manufactured, those tires must ~~comply be~~  
11                branded with ~~department of transportation~~ the director's requirements ~~a~~  
12                United States department of transportation tire identification number.
- 13                c. ~~(3)~~ ~~The maximum outside diameter permitted for tires is forty-four inches-~~  
14                ~~[111.76 centimeters].~~ The maximum body height permitted for a motor  
15                vehicle is forty-two inches [106.68 centimeters]. Measurement of body  
16                height is made from a level ground surface to the floor of the cargo area.
- 17                d. ~~(4)~~ ~~A horizontal drop bumper may be used to comply with the bumper height~~  
18                ~~requirement of subsection 3. The horizontal bumper must:~~
- 19                ~~(1) Be~~ be ~~at least three inches [7.62 centimeters] in vertical width;~~  
20                ~~(2) Extend~~ extend ~~the entire horizontal body width; and~~  
21                ~~(3) Be~~ be ~~horizontal, load bearing, and attached to the vehicle frame to~~  
22                ~~effectively transfer impact when engaged.~~
- 23                e. ~~The maximum lift permitted in the suspension system is four inches [10.16~~  
24                ~~centimeters].~~
- 25        5. ~~e.~~ ~~A person~~ An individual ~~charged with violating this section has the burden of~~  
26                ~~proceeding to show~~ showing that the modifications are permitted under this  
27                ~~section.~~
- 28        3. An individual may not operate a registered motor vehicle on a highway unless the  
29                motor vehicle is equipped with front and rear bumpers. The height of the bumper must  
30                not exceed twenty-seven inches [68.58 centimeters] and this measurement is made  
31                from a level ground surface to the highest point on the bottom of the bumper. A

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- 1            horizontal drop bumper may be used to comply with this subsection and must be at
- 2            least three inches [7.62 centimeters] in vertical width; extend the entire horizontal body
- 3            width; and be horizontal, load bearing, and attached to the vehicle frame to effectively
- 4            transfer impact when engaged.
- 5        ~~6.4.~~ ~~f.~~ — Vehicles owned by law enforcement agencies, the military, firefighting
- 6            agencies, and ambulances may be modified without regard to this section.
- 7        ~~7.5.~~ ~~g.~~ — The director may adopt rules to implement this section.