2019 HOUSE TRANSPORTATION COMMITTEE

HB 1198

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1198
1/18/2019
#31064

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to a class A authorized emergency.

Minutes: Attachment 1

Vice Chairman Rick C. Becker opened the hearing on HB 1198.

Chairman Ruby introduced HB 1198. This bill is to allow steady lights as well as oscillating and flashing lights on emergency vehicles.

Recording started late.
Jonathan Malaterre, Minot, explained the differences between flashing and oscillating. He provided attachment #1. He is here to support of HB 1198.

Representative Hanson: If an emergency vehicle has the ability to have a steady light, do they also have the ability to have the flashing and oscillating light?

Jonathan Melatorie: Yes. They can use both.

Representative Jones: What is on the list of other related activity?

Jonathan Melatorie: It would be traveling the country and seeing what they use. At the State Fair, for example, they may want to have an officer positioned somewhere with a steady light on.

Representative Jones: Could it be used for anything they think is necessary, like a funeral procession?

Jonathan Melatorie: Yes.

Representative Westlind: It says, "Class A Emergency Vehicles". Are there Class A Emergency Vehicles?

Jonathan Melatorie: There are class A, B, and C.

Jonathan Melatorie: I don't have the class B or C with me. I think Class C is blue only, which is rural fire. Class C you do not have to pull over; it is a courtesy. Class A is police, fire, and ambulance only.

There was no further testimony on HB 1198.
There was no opposition or neutral testimony on HB 1198.

The hearing was closed on HB 1198.

Representative Owens moved a DO PASS on HB 1198.
Representative Westlind seconded the motion.

A roll call vote was taken: Aye 12 Nay 0 Absent 2
The motion on HB 1198 passed.
Representative Westlind will carry the bill.

Date: 1-18-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1198

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 Owens Seconded By Westlind

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER	X		REP KARLA ROSE HANSON	X	
REP JIM GRUENEICH	X		REP MARVIN NELSON	X	
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	X				
REP MARK OWENS	X				
REP BOB PAULSON	X				
REP GARY PAUR	A				
REP ROBIN WEISZ	A				
REP GREG WESTLIND	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Westlind

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

REPORT OF STANDING COMMITTEE

HB 1198: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1198 was placed on the Eleventh order on the calendar.

2019 SENATE TRANSPORTATION

HB 1198

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1198
3/1/2019
33057

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill relating to class A authorized emergency vehicle.

Minutes: 1 Attachment

Representative Dan Ruby: This applies to class A emergency vehicles only. It does not apply to volunteer blue lights or anything like that, because people don't actually have to pull over for them. These are the ones that are serious. Other than the updating of using the oscillating, rotating or revolving, because if something is just flashing it's not necessarily rotating and if it's rotating it's not flashing. So that was some updated language there just to add more to just flashing because it's not completely indicative of what's happening with the lights.

Chairman Rust: You're dealing with oscillating, rotating, revolving now that wasn't in current law. Does this force the purchase of new equipment for vehicles?

Representative Ruby: No, this just allows the various types. So you know it says "flashing red or combination red lights" so this is allowing the use of oscillating, rotating or revolving. So it's just further describing the types of lights and how they're working.

Chairman Rust: A lot of those vehicles already have that?

Representative Ruby: Well, yeah. I think most of them now are going to just flashing, but there's still some that have like a rotating and oscillating. It doesn't require anybody to buy anything other than what they are currently using. One of the things I haven't noticed much of, but apparently it is being used more is a steady blue light in addition to the flashing. It doesn't take the place of it, but it's used in cases that you'll hear about whether they're along the side of the road, or in some cases they'll have that on along with the flash so that people see more color, they see something steady in addition to what's flashing. So for whatever use, they're actually putting some light on there that is a steady light and our existing law did not necessarily allow that, although I don't think anybody got in trouble for it but it was brought to my attention that we should probably add that. So as you can see on page 2, line 12 "a class A authorized emergency vehicle may display a steady red or red and blue lamp that is visible under normal atmospheric conditions for at least five hundred

feet when involved in an incident, emergency, or any other related activity." So the distance, you'll have to ask the next testifier about the distance. I don't know if that was something that Legislative Council did or if that's the standard, the distance they want to be seen by. The only real change in all of this is adding a steady light and that is on line 13. So it's a pretty simple bill.

Chairman Rust: It's a steady red or it's a steady red and blue? Then you were wondering about just a steady blue?

Representative Ruby: Well, they did say that there are some that are a steady blue and this would say red and blue. I guess that would be something to ask the next presenter about. It sounded like to me when we heard the testimony that it was more, some of them just were a steady blue, but there might be a red with it as well too.

Chairman Rust: Do we have too many lights out there?

Representative Ruby: Really there's only the two, well three. There's white, red and blue are the main ones; and I remember when we put the language in to allow the blue and I started seeing that. Especially like at night and even in the daytime; that jumps out. I think sometimes if it's just one color, just red. Sometimes people, if you see it quite a bit, it doesn't necessarily catch your eye as quick. Boy I've been pretty impressed with how the blue jumps out, especially at night.

Chairman Rust: Is it illegal for somebody to put a flashing red light in their vehicle?

Representative Ruby: Yes.

Chairman Rust: I'm sure part of it has to do with in the oil field, in the early part of the Bakken especially on highway 23 which is a very narrow road, when a police officer stopped somebody, chances are they were taking their life in their own hands of probably getting schmucked by somebody else coming because of the traffic situation. Sometimes I think those officers on those really narrow roads elected not to stop somebody for that very reason, because it too dangerous for them and the person they were stopping.

Johnathon Malaterre: I deal with the law enforcement, fire and ems on a regular basis with the lighting. I'm an installer of emergency vehicle lighting throughout the state. This was brought to me by many departments. The rotating, revolving and oscillating because most fire trucks still to this day use rotating, revolving and oscillating. Oscillating is kind of a light that stays forward and kind of hops, it doesn't really rotate, just stays forward just kind of motions. That's still standard pretty much on fire trucks these days. Rotating is pretty much on the back of the rig, but we also see it on the front of the rig as well. That's why I kind of said well, flashing just says flashing. It's not revolving, rotating or oscillating. I felt we should add this into the state law. I looked at other states and they also include this same type of language.

Senator Dwyer: So we're just adding.

Mr. Malaterre: Yes, we're just adding. It's not saying, hey you're going to have to go out and get oscillating now. It's just putting words in the language just in case if some lawyer or somebody brought it up saying, well that was just a rotating light. In the North Dakota Century Code, it says a class A emergency vehicle may flash. Well if it's revolving, is it authorized? Because it's not in the language.

Senator Bakke: Is there ever a situation where they ever have just a steady blue and they don't have the red with it?

Mr. Malaterre: The final thing was the steady lamp light. Please see **Attachment #1** for additional information and pictures.

Chairman Rust: I see in here the word may use, is there a shall? Is there something they must use?

Mr. Malaterre: No, it's just they may use it if they want to, they don't have to. We're not requiring them to have it, this is just giving them another option to have in the field. They can still use their flashing, but if they want to use a steady red or read and blue. They must have the red and blue together, they cannot have just blue. Blue signifies class C emergency vehicles, and that's most volunteer firefighters.

Sergeant Gordon Malaterre, Sergeant, McLean County Sherriff's Department: I help my son put these lights together. We were talking one day about a year ago about how when we come upon traffic stops, on highway 83 especially. When we do like drug interdiction we'll have a lot of patrol cars out and when we get a stop and we're going to search the vehicle we'll have patrol cars lined up off to the side behind the vehicle. if we have all the lights on we've had a lot of complaints, even actually deputies from my own county drove by and they said they cannot see the highway with all our lights flashing. So we talked about how a steady blue red would be a lot better to warn the public behind us. The public was complaining about us on the highway with all the lights on being distracting and I and officers almost have gotten hit by vehicles because they could not see us walking back to our patrol cars. In towns it's the same thing, we've had complaints from Garrison residents, the lights are flashing it's distracting. Like with DUIs, when we do DUI testing we basically have to shut our lights off to the front because if the suspect sees the flashing lights it can invalidate the tests. I could go on and on with different scenarios of using the blue and red strips for our patrol cars, we've had them for some time. Highway 200, highway 37 going toward Whiteshield up in that area where the oil is, we've had trouble also like highway 23. Highway 83 is busier than heck. Sometimes we can't even get on the road. Even with our lights they won't pull over for a stop sign they just keep on coming. But the blue and red it just gives us another tool to make a safe traffic stop and keep the public and ourselves safe.

Chairman Rust: I'm looking at this and I see a couple of things, number one, in class A authorized vehicle I see they could have an oscillating, rotating, revolving or flashing red or combination red white, in another place it talks about or flashing blue light and in section 3 it talks about a steady red or a steady red and blue. So actually on a given vehicle there might be a number of combinations of different lights they can have on there, right?

Sgt Malaterre: Yes, like ours in McLean county, Senator Bakke mentioned yellow, some departments have yellow on the front. We don't, some light bars do. We're phasing the light bars in, because they're very expensive. The yellow is mostly for the arrow board. Blue and red we have in front and white. We will usually have the white flashing when we're going down the road, that kind of catches the eye too, it's like our take down lights but they flash at the same time but when we stop they just go to then steady. We have a combination of blue, white and red with yellow in the back for us, but some departments have yellow in the front.

Chairman Rust: Is there a down side to this bill?

Sgt Malaterre: In law enforcement aspects, no.

Senator Fors: If this is such a safety hazard, pulling cars over on a highway, why aren't you trying to go to the next road or approach?

Sgt Malaterre: In reality, they pick their spots sometimes. We try to pull people over in the safest place we can. We won't stop someone in a place where it will be a hazard.

Chairman Rust: How do you communicate with somebody you're stopping that they should pick a good spot?

Sgt Malaterre: We try to use common sense and compassion.

Chairman Rust: Closed hearing on HB 1198.

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1198
3/7/2019
33411

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill relating to class A authorized emergency vehicles.

Minutes: No Attachments

Chairman Rust: Brief review of bill.

Senator Bakke: I move Do Pass.

Senator Dwyer: I Second the motion.

Roll Call Vote Taken:
6-0-0 Do Pass
Carrier: Senator Bakke

Date: 3/7/2019
Roll Call Vote #1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO: HB 1198

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 Bakke Seconded By Senator Dwyer

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bakke

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

REPORT OF STANDING COMMITTEE

HB 1198: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1198 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1198

HB1198
1-17-19
#1
p. 1

House Bill 1198 points

First is a minor clear up some missing wording.

Flashing is just what it means flashing not rotating, revolving or oscillating. There are still many emergency vehicles that display a rotating, revolving and oscillating light on their emergency vehicles in the state. All other states have use this working in there emergency vehicles classification. I think we should follow suit.

Steady Lights

It seemed to have started in California/Hawaii and it's required on EVERY emergency vehicle. **(I NOT SAYING WE NEED IT TO BE REQUIRED BUT JUST AS A OPTION TO HAVE)**

Since then the steady burn Light has moved east all the way to the east coast and the Connecticut State Police are requiring having it. They can use steady when responding, during a traffic stop, accident, medical assist on a residential street or at a crime scenes.

Flashing only goes so far out and come back.

A steady light has a constant beam of light seen farther.

Benefits: When an emergency vehicle is parked on the side of the road at a traffic stop or an incident and they are using a steady Light it is less distracting to driver's eyes and helps with flow of traffic but still visible to the public that there is an emergency vehicle present. Over the past 10, 20, 30 years Lightbars and Lights have been getting brighter and brighter over time. Steady Lights help when there is 4 or 5 patrol units parked on the side of the roadway vs 4 or 5 patrol units parked on the side of the roadway with flashing lights on. It becomes hard to see the road and to see emergency personal walking around.

I have even seen people put there sun visor down or put their hand up to there eyes to block out the flashing lights as they pass by the emergency vehicle parked on the side of the road. I have also seen people close there shades in there house to block out the flashing because the emergency vehicle been parked on their street for 20, 30 min or even longer for an incident.

In California it's required to have at least one Steady Light to identify it's an authorized emergency vehicle and this is required on all Law Enforcement, Fire and Ambulance in the state of California.

When Surrey Police Department pulls a vehicle over they're using all flashing lights and when they come to a stop they then activate there steady Red/Blue with an Amber traffic Arrow in the rear.(When they use there Steady lights they can still use there flashing lights as well if they choose to do so)

Department that are using Steady lights in North Dakota: Ward County, Minot PD, Surrey PD, Kenmare PD, Berthold PD, Newtown PD, TAT Law Enforcement , Renville County, Mclean County and Sheridan County

Thank you for your time.

Jonathan Malaterre
Minot, ND

HB1198
1-17-19 #1 p.3

SETINA
FIRE MARSHAL

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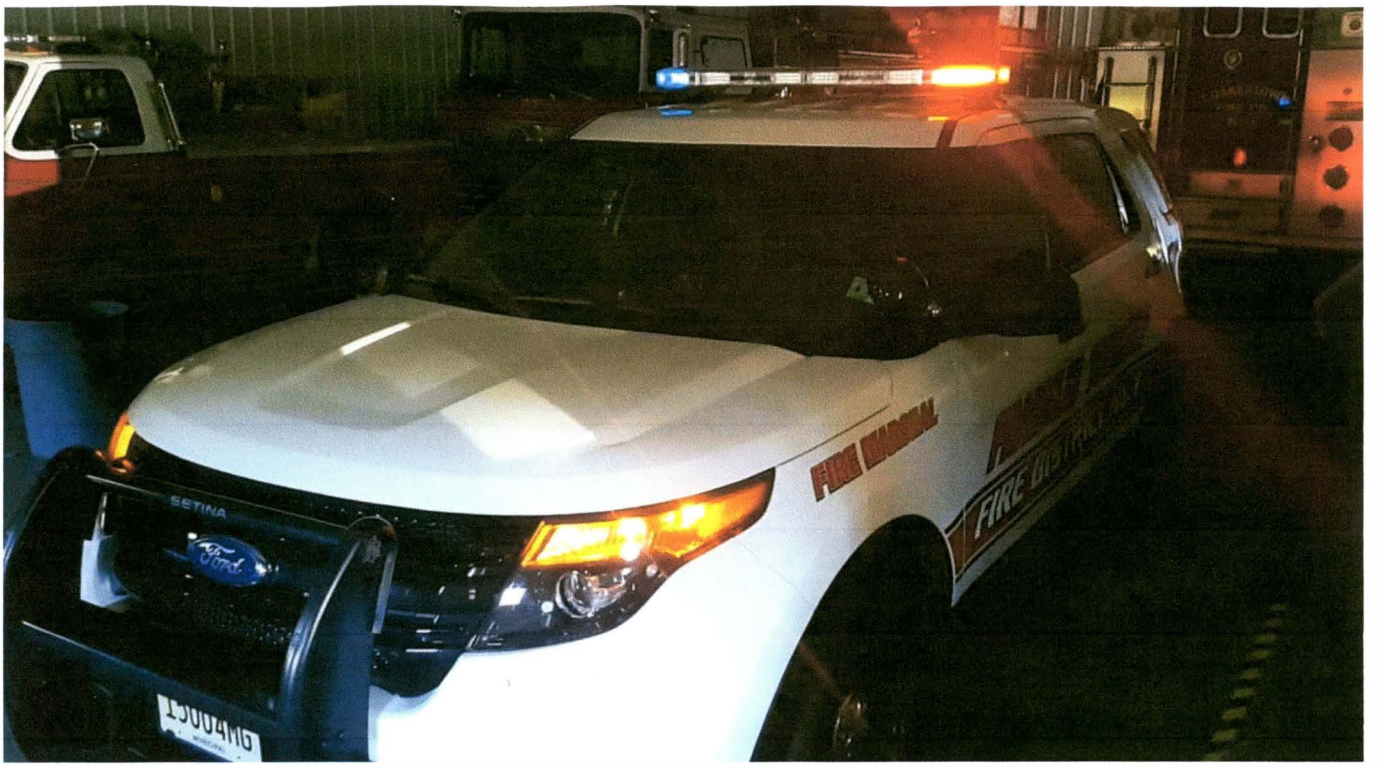
Thank you for your time.


FIRE MARSHAL
FIRE DISTRICT

POLICE
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POLICE
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