

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1316

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Danica Halliwell  
Operator's Signature

10/3/03  
Date

2003 HOUSE TRANSPORTATION

HB 1316

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1316

House Transportation Committee

☐ Conference Committee

Hearing Date January 23, 2003

Tape Number	Side A	Side B	Meter #
1		x	10.0 to 22.9
Committee Clerk Signature <i>Louise B. Fink</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB1316, a bill for an Act to amend and reenact section 39-10-03 of the North Dakota Century code, relating to emergency vehicles.

Rep. Severson from Cooperstown, North Dakota. I am here to present HB 1316 which is a very simple bill. When responding to a call when we go through an intersection we use an air horn and the present law refers to an audible siren and lights --- but does not specifically mention air horns. We simply want add 'air horn where appropriate'. Where appropriate is there are times when an airhorn is not appropriate --- for example, when responding to a silent alarm -- we wouldn't want to announce that we were coming to a burglar.

Rep. Weisz, Chairman : Just to be clear -- the law says you have use the sirens -- and your are changing with this -- to say and air horn as appropriate but you would continue to use the flashing lights -- correct?

Rep. Severson: Correct.

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Bill/Resolution Number HB 1316  
Hearing Date January 23, 2003

Rep. Ruby: You mentioned that you are using them now, is there a prohibition from using them right now?

Rep. Severson: Years ago they also include bells and whistles and they had to use both. We are trying to set it up so that we can use either but not necessarily both just because you have them -- therefore either or both as appropriate.

Rep. Zaiser: ( 13.3 ) ' When is appropriate' is one of those words --- can you clarify how you determine 'when is appropriate' appropriate?

Rep. Severson: There are circumstances where one would think you might use a siren or air horn -- it is not appropriate -- for example if we have a cardiac patient in the back of the ambulance and we are trying to keep him sedated -- we would not be using the air horns or sirens. EMT, firemen, ambulance drivers, etc have training for these jobs and that training has a protocol and guidelines as to what is appropriate in residential areas at night, hospital zones and many other situations --so there are guidelines that help with uniformity around the state.

Joel Baesflug: Bismarck Fire Chief and a Director of the North Dakota Fire Chief's Association. Mr. Baesflug appeared in support of HB 1316. A copy of his written testimony attached. He appeared in support of the bill and the amendments. He specifically supported the "when appropriate" provision citing that in fire situation in a residential neighborhood in the early morning hours or a rural fire -- would not need sirens and/or air horns.

Rep. Weisz: Aren't your amendments and those proposed by Rep. Severson are saying the same thing. We feel ours is a little more clear.

Derek Hanson: ( 20.0 ) Past President of the EMS Association. A copy of his written testimony is attached. He supported the bill and the amendments. He stated that the way the bill

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Hearing Date January 23, 2003

is either the red light or a siren could be used when appropriate --- we would like to see the amendments so that the air horn or the siren could be used but as a minimum the red light would always be used.

Rep. Ruby would like to hear what Rep. Severson's opinion of the proposed amendments is.

Rep. Severson: We have no problems with them --- they say the same thing in a full sentence instead of a few words.

There being no further testimony for or against HB 1316, Chariman Weisz closed the hearing.

End ( 22.9 )

**Action Tape 2 Side A ( 22.6 )**

Rep. Hawken moved approval of the amendments. Rep. Ruby seconded the motion. The motion carried on a voice vote.

Rep. Delmore moved a 'Do Pass as amended' motion for HB 1316. Rep. Headland seconded the motion. On a roll call vote the motion carried 10 Ayes 0 Nays 3 Absent and not voting. Rep. Galvin was designated to carry HB 1316 on the floor.

End of record ( 24.6 )

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10/3/03  
Date

30453.0101  
Title.0200

Adopted by the Transportation Committee  
January 23, 2003

VR  
1/23/03

HOUSE AMENDMENTS TO HB 1316 htrn 1-24-03

- Page 1, line 21, overstrike "audible signal by siren or" and remove "airhorn as"
- Page 1, line 22, remove "appropriate and" and overstrike "when giving"
- Page 1, line 23, overstrike "which" and insert immediately thereafter "that"
- Page 1, line 24, after "[152.4 meters]" insert "and if appropriate, giving audible signal by siren or alrhorn"
- Renumber accordingly

Page No. 1

30453.0101

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Date: 1/23/03  
Roll Call Vote #: \_\_\_\_\_

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO HP 1316

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30453.0100

Action Taken Do Pass as Amended

Motion Made By Rep. Del Seconded By Rep. Headland

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	A		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	A	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	A				

Total Yes 18 No 0

Absent 3

Floor Assignment Rep. Galvin

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

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Dan Headland  
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10/3/03  
Date

REPORT OF STANDING COMMITTEE (410)  
January 24, 2003 1:44 p.m.

Module No: HR-14-1074  
Carrier: Galvin  
Insert LC: 30453.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

HB 1316, as amended, Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1316, as amended, was placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "audible signal by siren or" and remove "airhorn as"

Page 1, line 22, remove "appropriate and" and overstrike "when giving"

Page 1, line 23, overstrike "which" and insert immediately thereafter "that"

Page 1, line 24, after "[152.4 meters]" insert "and if appropriate, giving audible signal by siren or airhorn"

Renumber accordingly

Deanna Hall  
Operator's Signature

10/3/03  
Date

2003 SENATE TRANSPORTATION

HB 1316

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10/3/03  
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1316

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-20-03

Tape Number	Side A	Side B	Meter #
1		X	3360-4590
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbeath** opened the hearing on HB 1316 relating to emergency vehicles.

**Representative Dale Severson** (District 23) Introduced HB 1316. The purpose is primarily to just update language that is currently in law. The language was confusing on page 1, lines 21-23 as to whether both lights and sirens had to be used all the time. Lines 1-2 on page 2 the words "and if appropriate, giving audible signal by siren or airhorn." was added. There are times when it is inappropriate to use sirens such as transporting heart patients.

**Senator Espgaard** asked if it would be appropriate when going through a traffic signal.

**Rep. Severson** answered that it would be if there is traffic. They are trained on when it is appropriate.

**Keith Sorenson** (Legislative Coordinator for ND EMS) Spoke in favor of HB 1316. There are certain times when sirens are not needed.

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*Dennis Hall*  
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10/3/03  
Date

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Senate Transportation Committee  
Bill/Resolution Number HB 1316  
Hearing Date 3-20-03

**Senator Espegard** asked if they would be running the lights if they are traveling down the Interstate over the speed limit.

**Keith Sorenson** replied that if they were traveling over the speed limit they would be running with lights on.

**Senator Espegard** voiced concern with being on the road or in town without a siren, but with lights on, going through a stop sign and someone not seeing them.

**Keith Sorenson** replied that, any time they approach an intersection with red lights on, they would also turn the siren on in advance if it was deemed appropriate.

**Andy Zachmeier** (Fraternal Order of Police) Spoke in support of HB 1316. As law enforcement, there are times when it is advisable not to use sirens such as burglar alarms, bank alarms, and domestic disputes, or crimes in progress. Basically the bill is just a language cleanup. They do like the part that says "if appropriate". Most policies in the state require them to use due regard when approaching intersections.

The hearing on HB 1316 was closed.

**Senator Espegard** moved a **Do Pass**. Seconded by **Senator Nething**. Roll call vote 5-0-1.

**Passed**. Floor carrier is **Senator Espegard**.

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Date: 3-20-3  
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1316

**Senate TRANSPORTATION Committee**

☐ Check here for Conference Committee

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

Action Taken No pass

Motion Made By Senator Espgaard Seconded By Senator Nething

[illegible]

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Espeland

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

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10/3/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
March 20, 2003 4:11 p.m.

Module No: SR-50-5383  
Carrier: Espegard  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1316, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)  
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1316 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-50-5383

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2003 TESTIMONY

HB 1316

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10/3/03  
Date

**Testimony on House Bill 1316**  
**House Transportation Committee**

By Joel Boespflug

January 23, 2003

Mr. Chairman and members of the Committee, my name is Joel Boespflug, Bismarck Fire Chief and also a Director with the North Dakota Fire Chief's Association. I appear before you today in favor of the amendment to the House Bill 1316, specifically to the paragraph beginning on page 1, line 19.

To be mandated to operate both lights and sirens in all situations will create difficulty for fire service operations. Examples of such difficulty vary from early morning responses in residential areas to rural open area fires. The amendment is reasonable and allows the emergency vehicle operator to implement judgment as to when the audible signal is necessary.

Mr. Chairman and members of the committee, thank you for your consideration and I urge you to pass the amended version of House Bill 1316. I will be happy to answer any questions that you might have.

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- b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving ~~audible signal by siren or when giving~~ adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or alrhorn.

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10/3/03  
Date



524 Weatherby Way • Bismarck, ND 58501 • 701-258-9147

TRANSPORTATION COMMITTEE  
Testimony in Support of HB 1316

Thursday, January 23, 2003  
10:30 AM

Provided by: Derek Hanson, Past President  
& Legislative Chair

During the 56<sup>th</sup> Legislative Session, NDCC 39-10, chapter 03, language was changed as it is written in law today. This change has created much confusion amongst many emergency workers driving class A emergency vehicles and may leave volunteer EMS personnel with more liability.

The standard throughout the country indicates that red flashing lights in combination with a siren or air horn are appropriate for most situations. There have been numerous ambulance accidents in the state where red flashing lights were displayed, but no audible warning by siren or air horn was given. In many of those situations, there is speculation that some of the collisions could have been preventable if a siren or air horn was accompanying the red flashing lights.

As an Emergency Vehicle Operations Course (EVOC) Instructor, I have this question posed during classes all the time. Since most EMS providers have been in EMS for some time, they are accustomed to using both their red lights and siren during an emergency response. Some examples for not using the siren in combination with the red lights could include; responding to suicide attempt, while driving on a interstate or highway, or driving an ambulance in the middle of the night in an area where there is no traffic and no pedestrians.

There are also instances when law enforcement and fire services would respond with only red lights flashing. This is why the word "appropriate" is used in the bill. The use of red lights and sirens are already defined in national standards, and EVOC curriculums. Emergency service workers will know when it is appropriate to have a siren or air horn accompany red flashing lights.

The North Dakota EMS Association supports HB 1316, and we hope you will give it a favorable "do pass" recommendation.

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