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10/3/03
Date

2003 HOUSE TRANSPORTATION

HB 1394

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1394

House Transportation Committee

☐ Conference Committee

Hearing Date January 31, 2003

Tape Number	Side A	Side B	Meter #
1		x	40.4 to 53.4
2	x		
			1.7 to 8.3
Committee Clerk Signature <i>Laura J. Zile</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1394, a bill for an Act to create and enact a new subsection to section 39-06.1-05 and a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to offenses exempted from administrative proceedings and demerit point; to amend and reenact sections 39-06.1-09 and 39-10-26 of the North Dakota Century Code, relating to yielding to an emergency vehicle; and to provide a penalty.

Rep. Aarsvold: Representing District 20. This bill which you have before -- I am the prime sponsor has to do with emergency vehicles. In the pre-session I visited with law enforcement -- both the Highway Patrol and our local sheriff's departments to see what kind of risks are posed to our officers stopped performing arrests, emergency vehicles carry out their responsibilities, -- people endangering the lives of our officers as they carry out their functions. This bill provides

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Page 2
House Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date January 31, 2003

for 2 demerit points for crashing into or causing an accident with an emergency vehicle. He urged support for passage of this bill.

Rep. Carlisle: Representing District 30 in Bismarck signed onto the bill along with a couple of EMT's. We believe in the concept. Representatives Porter and Severson agree with the concept. They support passage of this bill.

Rep. Severson: Representing District 23 -- as an EMS I can't stand here and cite a lot of crashes --- but I know from experience there are a lot of people create situations which we need to avoid. We support passage of this bill.

Rep. Weisz: Do people not understand the procedure for avoiding your vehicles --is it that they don't care?

Rep. Severson: I don't know the answer -- they experience everywhere -- people don't pull over to let us by but we do have an obligation to the patient we are delivering to medical services.

Rep. Ruby: The new language here in subsection 4 relates to subsection 2 which talks about an emergency vehicle is parked -- subsection 1 deals with vehicles moving -- so is this mainly for just when your are in the process of doing your work -- not just for pulling over? And what is the current penalty?

Rep. Severson: Patrolman Bethke will be addressing those things?

Rep. Schmidt: this is a good bill until you get to the very last line -- you need an "of" insert there.

Rep. Severson: Good reading -- you are right.

Captain Bethke: (52.9) Representing the North Dakota Highway Patrol -- Safety and Education Officer -- stated the present law the driver requires that a driver who approaches an

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Page 3
House Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date January 31, 2003

emergency vehicle displaying lights and proper markings to proceed with caution , to moved a lane away yield right of way and if the driver can not change lanes safely, the driver must proceed with due caution, reduce the speed of the vehicle, an maintain a safe speed for road conditions --- now the requirements of this law pertains to multi lane highways outside of the city, unless the highway is a par f the Interstate Highways. The current penalties for violation of this law is \$50 and 2 points -- even if it involves the striking of (53.4)

End of tape - continue on side B

Captain Bethke: (con'd) **NOTE:** a short portion of Captain Bethke's testimony was missed in the changing of the tape.

He spoke of the brochures, the talk shows and what some other states are doing such as highway signs alerting people to drive cautiously, slow down or even stop to allow emergency vehicles to pass. In the past several years nine Highway Patrol vehicles have been struck on multi-lane highway system. Two of these resulted in the striking of a trooper -- both were seriously injure. Being a law enforcement officer is a very dangerous business and they risk their lives every day. I stand in support of this bill.

Rep. Price: (1.9) I note that on the information you have here that there are twice as many deaths alcohol related as there are drug related -- is there any reason for that?

Captain Bethke: I don't know the reasons for that but off the top of my head I would guess that 's because alcohol is more prevalent.

Rep. Weisz: What's the penalty going to be under proposed bill?

Captain Bethke: The penalty under the proposed bill would that of an infraction - - with fines up to \$500.

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Page 4
House Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date January 31, 2003

Rep. Hawken: About emergency vehicles on the Interstate -- you're going west and the emergency vehicle is going east -- am I still suppose to slow down?

Captain Bethke No. Yielding to an on coming emergency vehicle on a divided highway -- you don't have to.

Keith Sorenson: Representing the North Dakota EMS Association and a lobbyist for that group stood to state their support for HB 1394.

There being no one appearing in opposition and there being no other persons wishing to testify, Chairman Weisz closed the hearing on HB 1394.

End. (4.1)

Action -- Rep. Price: Moved the minor amendment of adding the word "of" in the last sentence of the bill. Rep. Hawken seconded the motion. Motion carried on a voice vote.

Rep. Zaiser moved a 'Do Pass as Amended motion for HB 1394. Rep. Price seconded the motion. On a roll call vote the motion carried 12 Ayes 0 Nays 1 Absent and not voting.

Rep Zaiser was designated to carry HB 1394 on the floor.

End of record (8.5)

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10/3/03
Date

30638.0101
Title.0200

Adopted by the Transportation Committee
January 31, 2003

VR
1/31/03

HOUSE AMENDMENTS to HB 1394 htrn 2-03-03

Page 3, line 6, after "guilty" insert "of"

Renumber accordingly

Page No. 1

30638.0101

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10/3/03
Date

Date: 1/31/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1394

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30638.0101

Action Taken Do Pass as Amended

Motion Made By Rep Zaiser Seconded By Rep Price

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

Total Yes 12 No 0

Absent 1

Floor Assignment Rep. Zaiser

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

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
February 3, 2003 9:19 a.m.

Module No: HR-20-1494
Carrier: Zaiser
Insert LC: 30638.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1394: Transportation Committee (Rep. Welsz, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1394 was placed on the
Sixth order on the calendar.

Page 3, line 6, after "guilty" Insert "of"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-20-1494

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10/3/03
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2003 SENATE TRANSPORTATION

HB 1394

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10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1394**

Senate Transportation Committee

☐ Conference Committee

Hearing Date 03/21/03

Tape Number	Side A	Side B	Meter #
1		x	604 - 2435

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Trenbeath opened the hearing on HB 1394, relating to offenses exempted from administrative proceedings and demerit points; relating to yielding to an emergency vehicle; and to provide a penalty.

Representative Aarsvold testified in support of the bill. A very dangerous situation that is faced by law enforcement personnel every day is that drivers do not give them very much room to perform their work when they have duties on or near the roadway. This bill would add two demerit points and an infraction violation if someone collides with an emergency vehicle carrying out its work with its lights appropriately running.

Senator Trenbeath asked if we are talking about collision instead of accident? (meter #850)

Representative Aarsvold said the language comes from counsel and he is presuming they have the preferred language in the bill.

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10/3/03

Date

Page 2
Senate Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date 03/21/03

Senator Espegard said the committee recently passed a bill that allows a class A emergency vehicle not to use its siren when running lights. This doesn't address the issue at all?

Representative Aarsvold said this would be a standing emergency vehicle, running its lights.

Representative Severson testified in support of the bill. As an EMT, he knows that traffic control is always an issue. When they stop at the side of the road, they try to pick a good spot to stop and keep their lights flashing but people get very curious. They come too close for comfort on many occasions. Regarding Senator Trenbeath's question on terminology, it is preferred to use the term collision instead of accident.

Senator Trenbeath asked about the amendment distributed by Representative Aarsvold. He assumes Representative Aarsvold is in favor of the amendment?

Representative Aarsvold said the amendment came from the patrol office and addresses the current practice in the law enforcement field.

Senator Nething asked about the colors of the lights and the differences in the bill?

Representative Aarsvold said he thought that was an oversight on the part of counsel.

Representative Severson said this portion of law deals strictly with class A vehicles who do not use an amber light. They are required to use red, white and blue lights.

The intern for the Senate Transportation Committee will check on the use of the word amber in the bill to be sure it is used consistently and correctly. (meter # 1385)

Senator Mutch asked if a wrecker is an authorized emergency vehicle?

Some discussion followed regarding the subject.

Mark Bethke, Safety and Education Officer for the North Dakota Highway Patrol, testified in support of the bill. (written testimony) (meter # 1550) He also referred to the questions regarding

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Page 3
Senate Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date 03/21/03

light color. In section 1 on page 2 of the bill, the reason amber is not mentioned is because the section refers to class A authorized vehicles and they display red, white and blue lights. When meeting a vehicle with an amber light (a class B vehicle), motorists are not required to pull over. **Senator Trenbeath** asked about the differences in subsection 1 and subsection 2, what tells they are 2 different kinds of vehicles?

Mr. Bethke said it really doesn't say. The highway patrol, when they have someone pulled over on the side of the road and its not an emergency, try to switch their red lights to an amber light.

Senator Trenbeath confirmed that the section that needs amending is 4 not 1 and 2.

Mr. Bethke said yes.

Senator Espegard asked if a patrol car is a class A vehicle?

Mr. Bethke said yes.

Senator Espegard asked, when the amber light is going, does it also require a passing vehicle to be in the other lane as well?

Mr. Bethke said yes. They neglected to put amber in the portion of the bill that makes it an infraction. It is listed under 39-01-01 in the century code.

Chairman Trenbeath closed the hearing on HB 1394. (meter # 2240)

It was moved by **Senator Nething**, seconded by **Senator Espegard** and passed (5 yea, 0 nay, 1 absent and not voting) on a roll call vote that the Senate Transportation Committee **adopt amendment .0201.**

It was moved by **Senator Espegard**, seconded by **Senator Taylor** and passed (5 yea, 0 nay, 1 absent and not voting) on a roll call vote that the Senate Transportation take a **DO PASS AS AMENDED** action on HB 1394. **Senator Espegard** will carry the bill to the floor.

Page 4
Senate Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date 03/21/03

Chairman Trenbeath recessed the meeting of the Senate Transportation Committee.

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10/3/03
Date

30638.0201
Title.0300

Prepared by the Legislative Council staff for
Representative Aarsvold
March 4, 2003

Q3
3-24-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1394

Page 3, line 6, after "rotating" insert "amber."

Renumber accordingly

Page No. 1

30638.0201

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10/3/03
Date

Date: 3-21-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1394

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment 0201

Motion Made By Senator Nothing Seconded By Senator Espegard

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espegard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nothing	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator

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

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10/3/03
Date

Date: 3-21-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1394

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30638.0701 Title .0300

Action Taken Do pass as amended

Motion Made By Senator Espeland Seconded By Senator Taylor

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espeland, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

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
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REPORT OF STANDING COMMITTEE (410)
March 24, 2003 3:58 p.m.

Module No: SR-52-5600
Carrier: Espegard
Insert LC: 30638.0201 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1394, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1394 was placed on the Sixth order on the calendar.

Page 3, line 6, after "rotating" Insert "amber."

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-52-5600

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2003 TESTIMONY

HB 1394

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TESTIMONY - HOUSE BILL 1394
SENATE TRANSPORTATION COMMITTEE
MARCH 21, 2003 - 10 a.m.
LEWIS AND CLARK ROOM

Mr. Chairman and members of the Senate Transportation Committee, my name is Mark Bethke, Safety & Education Officer for the North Dakota Highway Patrol. I appear in support of House Bill 1394.

Under the current requirements listed in NDCC 39-10-26, the driver of a vehicle approaching a stopped authorized emergency vehicle displaying emergency lights is required to proceed with caution. The driver is also expected to yield the right of way by moving a lane away from the emergency vehicle and to do so safely. If the driver can't change lanes safely, they shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions. The requirements of this law pertain to a multilane highway outside the limits of a city unless the highway is part of the interstate system (pertains to interstate inside and outside of city limits). The current penalty for violation of this law is \$50 and 2 points even if it involves striking an emergency vehicle. Increasing the penalty to an infraction if an accident occurs is more commensurate with the seriousness and damage involved with striking an emergency vehicle.

This is a law enacted to protect and enhance the safety of your Highway Patrol troopers as well as other emergency services personnel. The Highway Patrol and others have been active in attempts to educate the public on this law since its effective date of August 1, 2001. A brochure describing the law was developed and provided to citizens, the law has been and continues to be discussed on radio talk show programs, a news release was disseminated statewide, and we are working with the Department of Transportation on the possibility of erecting signs along certain highways. These signs would advise motorists to move over or slow down for emergency vehicles; it's the law. Signs of this nature are in use in several other states; however, the use of these types of signs in North Dakota is still in the planning process.

In the last two years (2001 and 2002), North Dakota Highway Patrol vehicles have been struck by another vehicle on nine separate occasions while the patrol vehicle was stopped on a multilane highway. Two of these collisions involved the striking of a trooper standing outside of the patrol vehicle resulting in serious injury to the troopers involved. As indicated in the information provided to you on causes of police deaths nationwide, auto accidents and officers being struck by vehicles are related to a high number of law enforcement officer deaths.

Being a law enforcement officer has inherent risks on a daily basis. It is one of the most hazardous and dangerous professions. This bill is about enhancing the safety of not only law enforcement but other emergency services personnel as well. I stand in support of House Bill 1394 and ask for a vote of DO PASS.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions you or the committee members may have.

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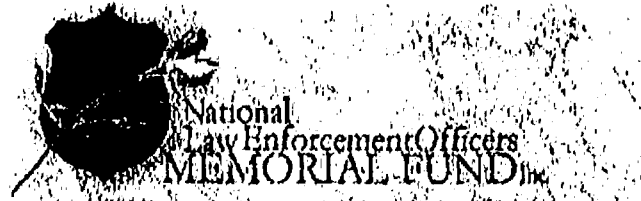
10/3/03
Date

NDHP Department Vehicle Crashes 4-lane divided highways (NDCC 39-10-26)			
	2000	2001	2002
Crash Occurred During Traffic Stop	1		
Crash Occurred During Crash Investigation		6	1
Crash Occurred During Highway Assist		2	

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RETURN TO HOME
PAGE
INDEX

Word Search For:

CAUSES OF POLICE DEATHS: 1997-2001

CAUSE OF DEATH	2001	2000	1999	1998	1997
Auto Accidents	42	49	48	55	47
Shot by Firearm	68	52	46	63	68
Job-Related Illness	4	6	15	10	14
Struck by Vehicles	24	16	10	15	14
Motorcycle Accident	8	10	7	4	5
Aircraft Accident	5	7	4	4	5
Stabbed by Knife	0	2	2	0	5
Falls	1	4	3	1	6
Struck by Train	0	0	1	1	1
Drowning	1	3	0	7	0
Bomb-Related Incident	72	1	0	1	1
Boating Accident	2	0	0	1	0
Beaten	2	1	1	1	0
Crushed	1	0	0	1	0
Strangled	0	0	0	0	1
Bicycle Accident	0	2	0	0	0
Horse Accident	0	1	0	0	0
Total	230	154	137	164	167

OTHER FACTORS	2001*	2000	1999	1998	1997
Female Officers Killed	11	7	11	14	5
Alcohol-Related Deaths	25	11	9	30	22
Drug-Related Deaths	12	7	8	14	14
Officers Killed Wearing Body Armor	49%	64%	53%	49%	47%

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01/29/2003

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