

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2338

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/22/03

Date

2003 SENATE TRANSPORTATION

SB 2338

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walker  
Operator's Signature

10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2338

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-14-03

Tape Number	Side A	Side B	Meter #
1	X		25-4045
1		X	5095-5700
Committee Clerk Signature <i>Mary K. Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbeath** opened the hearing on SB 2338 relating to bicycle helmets and restraining seats and to provide a penalty.

**Senator Seymour:** Introduced and testified in support of SB 2338. Reported that bicycle head injuries account for about 5,000 deaths per year, 17,000 hospitalizations, 153,000 emergency department visits per year. There are costs of up to over \$3 billion in 1991 for these kind of activities. Age is a factor.

**Representative Zaiser:** (District 21) Strongly endorses SB 2338 particularly the aspect that deals with the helmet and young kids. Using the age of 13 is a reasonable age to require helmet usage.

Discussion concerning the age requirement for helmets. It is 18 for motorcycles. There was no specific explanation why it would be different for bicycles.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Hall*  
Operator's Signature

10/22/03

Date

Page 2  
Senate Transportation Committee  
Bill/Resolution Number SB 2338  
Hearing Date 2-14-03

Senator Espgaard asked what the thinking was behind the penalty portion of the bill. The \$5 fine doesn't seem to be much of a deterrent.

Representative Zaiser replied that his primary support was with the concept. He hadn't discussed the fee aspect but thought the \$5 fine was worthy of discussion.

Dr. Todd Twogood (Vice President, ND American Academy of Pediatrics) See attached testimony in support of SB 2338. There is no standardized recognition of a 13 year old and below having more head injuries than an 18 year old and below. Choosing the 13 year old age is a compromise.

Paula Grosinger (ND Trial Lawyers) See attached testimony in support of SB 2338.

Senator Trenbeath asked about enforcement problems.

Paula Grosinger replied that it would be up to local law enforcement in terms of the actual enforcement and how much time and effort that they would put into it.

Discussion on who is actually penalized, the parents or the kids. It was also clarified that it is not a "fine" but actually a "fee". The question of collection was discussed. It isn't clear how it would be handled.

Senator Taylor asked about the average cost of helmets and the acceptance of kids to the free helmets they receive.

Paula Grosinger said that they do hear stories of kids who wear the helmets and hopes that most kids do use them. Helmets can be purchased for about \$10 to \$20 depending on the type of helmet.

Dawn Mayer (Health Educator ND Department of Health) See attached testimony in support of SB 2338.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Hall*  
Operator's Signature

10/22/03

Date

Page 3  
Senate Transportation Committee  
Bill/Resolution Number SB 2338  
Hearing Date 2-14-03

**Dave Peske** (ND Medical Association) The Association has taken a position in support of SB 2338 again. It's not only the pediatricians who deal with the injured child but also the emergency room physicians and possibly a surgeon and a radiologist. It involves all physicians and that's why they support this legislation.

**Senator Trenbeath** agreed that helmets are a useful tool but his concerns were: (1) How to get kids to wear the helmets. (2) How does the legislation alter the child's response that a helmet isn't important or that peer pressure prevents him from wearing one. (3) How to collect the fees.

**Dave Peske** feels the overall answer is that it's particularly due to the method/attitude that the local enforcement takes toward it. Having the law on the books allows the parents to use it as the need for their child to comply with the law. It allows the law enforcement to take whatever steps in their discretion they need to enforce it.

**Dennis Kemmesat** (President ND Cycling Federation) See attached testimony in support of SB 2338 with concerns.

**Senator Trenbeath** thanked Mr. Kemmesat for the interest and work of his organization on bicycle safety in ND. Suggested working during the interim period on a comprehensive bicycle bill that would be suitable to all.

**Dennis Kemmesat** responded that he thinks education will be the way to get helmets worn and that will have to start with some formal programs in the schools.

**Jerry Saude** (Bismarck) Testified in opposition to this bill. See attached testimony.

The hearing on SB 2338 was closed.

Discussion about mandating the use of bicycle helmets. The feeling of the committee members was that this is unenforceable.

Page 4  
Senate Transportation Committee  
Bill/Resolution Number SB 2338  
Hearing Date 2-14-03

Senator Nething moved a Do Not Pass. Seconded by Senator Mutch. Roll call vote 5-1-0.

Passed. Floor carrier is Senator Bercier.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Wallin  
Operator's Signature

10/22/03  
Date

Date: 2-14-03  
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2338

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

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

Action Taken Do not pass

Motion Made By Senator Nothing Seconded By Senator Mutch

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 1

Absent 0

Floor Assignment Senator Bercier

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis Bercier 10/22/03  
Operator's Signature Date

**REPORT OF STANDING COMMITTEE (410)**  
February 14, 2003 1:16 p.m.

Module No: SR-29-2769  
Carrier: Bercler  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2338: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2338 was placed on the Eleventh order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-29-2769

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilm. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Hall*  
Operator's Signature

*10/22/03*  
Date



2003 TESTIMONY

SB 2338

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Walker  
Operator's Signature

10/22/03

Date

# American Academy of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN™

**Testimony: Todd Twogood MD, FAAP**

**Support of: SB2338**

## **Representing: North Dakota Chapter of the American Academy of Pediatrics (NDAAP)**

### **North Dakota Chapter**

**Chapter President**  
Bernard J. Hoggarth, MD, FAAP  
Dept. of Pediatrics  
1000 S Columbia Rd  
Grand Forks, ND 58201  
701/780-6110  
Fax: 701/780-1896  
E-mail: bhoggarth@altru.org

**Chapter Vice President**  
Todd Twogood, MD, FAAP  
514 Sudbury Ave  
Bismarck, ND 58503-8294  
701/221-1177  
Fax: 701/323-5884  
E-mail: ttwogood@bismarck.com

**Chapter Secretary-Treasurer**  
Myra Quanrud, MD, FAAP  
Dakota Clinic  
401 3rd St SE  
Jamestown, ND 58401-4247  
701/252-0120

**Immediate Past President**  
J.A. Sondrol, MD FAAP  
350 S 25th St  
Grand Forks, ND 58201-9231

Children love to play, but not is all child's play. The dangers that face children in daily activities are, at times, hidden. Simply riding a bike, may present a real risk factor. The number of children who suffer permanent head injury or die each year from not wearing a bicycle helmet continues to be a health concern. Wearing a bike helmet has proven to decrease the chances of such injuries. By supporting this legislation, it would not only help protect our children, but it may even prevent death.

There are 43 million kids in the united states that are consistently out riding their bikes. It is a major way kids get around. The bad news is, for the increasing number of kids who are not wearing a helmet, they are at the greatest risk. In 1998 there were 23,000 children younger then 21 years old who sustained head injuries while bicycling without a helmet. This also included an additional 430,000 emergency department visits, and out of those 275 deaths. This can be prevented by up to 88% just by wearing a helmet.

Let's take example from states that have enacted legislation to require bicycle helmets. If we require it for children, it will prospectively promote bike safety for all riders (adolescents and adults) by increasing awareness of its purpose. The conservative feeling is that parents or guardians should be able to make decisions for their children, but what if that parent or guardian makes the wrong decision and ends up with significant and/ or permanent injury to their child? How do you think that parent or guardian would feel. Let's guide the care givers and children of our great state toward safety and show them we care. It's not a law to state that government is controlling what we do, it's an intervention that makes sense. Children usually accept "the norm" and peer pressure is strong. Most kids don't wear helmets because the may not fit in or look cool. If this bill becomes law and you, as legislators create "the norm", that will make it easier to accept for everyone. It will become part of what children grow up with, and that will provide them safety in an acceptable way.

Sincerely,

*Todd Twogood MD*  
Todd Twogood MD

Please contact me if you have any questions about this or any other pediatric issues.

Home Phone = 701-323-0748 Office Phone = 701-323-5437

Home email = [ttwogood@bismarck.net](mailto:ttwogood@bismarck.net)

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Dennis Hallmark*  
Operator's Signature

10/22/03  
Date

**Testimony of Paula J. Grosinger, Lobbyist #193 – North Dakota Trial Lawyers Association  
Regarding SB 2338  
Presented to the ND Senate Transportation Committee  
The Honorable Thomas Trenbeath, Chair  
14 February 2003**

Since 1998, the North Dakota Trial Lawyers Association has supported community programs to educate kids about bike safety and provide bike helmets to youngsters who need them. That effort means more kids in North Dakota are wearing helmets than ever before.

Bicycles are associated with more childhood injuries than any other consumer product excluding automobiles – and head injuries are the leading cause of death and disability in bicycle crashes. An American Medical Association study shows bike helmets reduce head injuries by as much as 85%. Even though more of our state's kids are wearing helmets, it is estimated that over 50% of North Dakota children still don't use helmets while riding.

This year, the North Dakota Trial Lawyers Association Harry Pippin Foundation will again provide 250 toddler and children's helmets for North Dakota youngsters. The helmets are distributed through local police bike rodeos and health departments in the Bismarck-Mandan, Fargo, Grand Forks, Williston-Watford City, Minot and Dickinson areas. Distribution starts in early May and continues through June.

Too often, NDTLA member attorneys represent victims of bicycle injuries or their families. Of course, when it's a bike rider versus an automobile the bike rider always loses. However, many disabling injuries could be prevented by the use of bicycle helmets. The Association feels a responsibility to supporting any effort which would increase helmet utilization.

We urge your support of SB 2338.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallen  
Operator's Signature

10/22/03  
Date

**Testimony**  
**Senate Bill 2338**  
**Senate Transportation Committee**  
**February 14, 2003**  
**9:00 a.m.**  
**North Dakota Department of Health**

Mr. Chairman, members of the Committee, my name is Dawn Mayer. I am the health educator for the North Dakota Department of Health's Injury Prevention Program, which coordinates a bike safety project in the state. I am here to testify in support of Senate Bill 2338.

Please consider the following facts:

- More than 70 percent of children ages 5 to 14 ride bicycles -- many on the same roads and highways as vehicles that weigh from 10,000 to 20,000 pounds. Yet, we usually think of bicycles as toys.
- According to the North Dakota Department of Transportation, from 1992 to 2001, two North Dakota children younger than 14 died and 515 were injured from bicycle collisions involving a motor vehicle. The data does not include injuries where there was no motor vehicle involved. According to the National Safe Kids Campaign, only 10 percent of bike-related injuries involve a motor vehicle.
- In 2001, 2,179 North Dakota parents whose children received bike helmets through our program completed a survey before their children received helmets. From this survey, 12 percent reported their child "had been injured during the last year while riding a bike." Of those, 21 percent of the injuries were to the head, face or neck area. Seven percent of the children were taken to a clinic or emergency department, or were admitted to a hospital.

The goal of the bike helmet project coordinated by the Department of Health is to increase the use of bike helmets through distribution of helmets and education. Since 1992, the Department has provided more than 17,000 bike helmets to local agencies for distribution to children in their communities. Thousands more have been distributed through other organizations. Unfortunately, local programs report they are not seeing large increases in the number of helmets actually being worn by children.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dawn Mayer  
Operator's Signature

10/22/03  
Date

To learn why kids aren't wearing the helmets they have been given, the Department of Health sends a follow-up survey to parents of children who have received helmets. For those parents who indicated their children seldom or never wore their helmets, the most common reasons given were that the "child did not consider use of the helmet important," followed by "peer pressure."

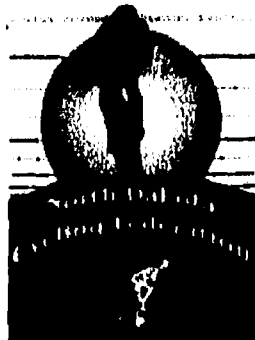
The North Dakota Department of Health plans to continue distributing bike helmets and educating parents and children about the importance of wearing them. However, the Department's efforts would be much more effective with a law requiring children younger than 13 to wear bike helmets.

The Department of Health would appreciate your favorable response to SB 2338. I am happy to answer any questions you may have.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Waller  
Operator's Signature

10/22/03  
Date



### SENATE BILL NO. 2338

Testimony by Dennis Kemmesat, President  
North Dakota Cycling Federation (NDCF)  
February 14, 2003

- SB No. 2338 -- mandatory bike helmets for children under 13
- Bicyclists crash on average every 4,500 miles
- Head injuries -- 75 % of fatalities involving bicyclists
- Helmets (properly worn) -- could prevent 85 percent of bicycle-related head injuries
- Statistics -- wearing helmets saves lives and reduces serious head injuries
- NDCF -- members wear helmets
  - our children wear helmets
  - requires helmets for group rides & races
- CANDISC -- requires helmets
- Prairie Rose State Games -- requires helmets
- Helmets -- lighter and better ventilated than even those of the late 1990s
  - wearing a helmet - no longer a burden.
- Every bicyclist should wear helmet -- based on their decision that doing so is in their best interest
- Requiring helmets for children under 13 -- meritorious  
Common sense - wearing helmets for 12 years - habit forming -- likely to continue.

#### Concern with the bill -- Unenforceable

- Parent might buy a helmet that is too large - child can "grow into it"
- If helmet is too large -- slips down on child's forehead
  - impairs child's field of vision
  - isn't comfortable

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis Kemmesat  
Operator's Signature

10/22/03  
Date

-- child won't wear it  
-- likely to come off in crash -- i.e. will serve no useful purpose -- may even cause harm if ill-fitting

- If helmet is worn perched too far back on head -- exposed forehead  
-- will serve no useful purpose in a crash
- Bike store personnel -- trained to ensure proper fit
- Chain store personnel -- generally not trained to ensure proper fit
- Parents -- may or may not know how to ensure proper fit
- If helmet isn't fitted properly - only outcome is mandated purchase of helmets.
- NDCF -- encourages use of helmets by all cyclists  
-- appreciative of sponsors' efforts  
-- believes this legislation will not achieve desired result.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Hall*  
Operator's Signature

10/22/03  
Date

## Testimony In Opposition to SB 2338

Jerry M Saude, 112 Hill Street, Bismarck ND 58504  
February 14, 2003

Chairman Trenbeath and distinguished members of the Senate transportation committee. My name is Jerry Saude. Our family resides in district 32 here in Bismarck. To appear before you today, as one small part of this great process, is a right and responsibility that I treasure. I am appearing to offer opposition to this legislation. I also appeared before the House transportation committee on March 5, 1999 when this legislation was SB 2279 and again at the House transportation committee on February 2, 2001 when this legislation was HB 1411. It is my continued belief that this legislation goes against the family and my family responsibility. When I was single, I resisted the mandatory seat belt law, but have accepted that. A motor vehicle propelling down a highway at the speed limit does greatly increase the risk to bodily injury and risk to my family. But children such as mine here today, pedaling their bikes on the streets around our neighborhood or traveling on a bike path in the local park is hardly the same comparison. The risk does not warrant a law to make me a criminal if I allow these boys to ride their bike without a helmet. I would speculate that each of you has ridden a bicycle and can well judge the merits of my opposition. Continue your calling to make our state a place that is "family friendly" and do not turn my decisions as a responsible parent into petty criminal acts, subject to a fine. Even though the fine is a mere \$5, the ticket will be written by law enforcement personnel. The same local law enforcement, whose precious time and resources should be directed at the growing list of social ills this same legislative session is grappling with. I just can not imagine the Bismarck police chasing down children under the age of 13, and hauling them home in order to cite the parent or guardian under NDCC 39-10.1.

I respectfully ask this committee to send SB 2338 to the Senate with a recommendation of DO NOT PASS. I would personally view that as a vote of your confidence in all of us who are out there each day doing our very best to provide and protect our families. We should not be consulting the Century Code in order to dress our children to go out and play.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall  
Operator's Signature

10/22/03  
Date



If you would indulge me for 10 seconds.... Please place your hands on the table in front of you and close your eyes. Do you remember that new bicycle you got for your birthday. You are racing off to show your friends and you're so proud. Do we really need a helmet law? Were your parents negligent or criminal in their actions by not requiring you to wear one?

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall  
Operator's Signature

10/22/03  
Date