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Deanna Hall
Operator's Signature

10/22/03
Date

2003 SENATE TRANSPORTATION

SB 2342

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10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2342

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-13-03

Tape Number	Side A	Side B	Meter #
1		X	2100-2840
Committee Clerk Signature <i>Mary K. Monson</i>			

Minutes:

The hearing on SB 2342 relating to the display of an electronic lighting device was opened by Chairman Senator Thomas Trenbeath.

Todd Kranda: (Attorney with Kelsch Law Firm, Mandan) See attached testimony in support of SB 2342 on behalf of Eveready Battery Company. Also attached is a copy of the statute that would be changed and a picture of the safety devices. Reported that there might be some concern from the DOT with the flashing red light. His understanding is that out of the 49 states that already allow this type of device a majority of them did require it to be a red flashing light.

Senator Bercier asked if this pertains to trucks also.

Todd Kranda said that it is intended for passenger motor vehicle usage. The package labeling will be recommending it for that type of use and not commercial usage.

Senate Trenbeath asked if the bill would limit it to that.

Todd Kranda say that it doesn't limit it.

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Date

Page 2
Senate Transportation Committee
Bill/Resolution Number SB 2342
Hearing Date 2-13-03

The hearing on SB 2342 was closed.

Senator Nething moved a Do Pass on SB 2342. Seconded by Senator Espegard. Roll call vote
6-0-0. Passed. Floor carrier is Senator Bercier.

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10/22/03
Date

Date: 2-13-03
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2342

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Nething Seconded By Sen. Espgaard

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bercier

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

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10/22/03
Date

REPORT OF STANDING COMMITTEE (410)
February 13, 2003 12:24 p.m.

Module No: SR-28-2570
Carrier: Berclair
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2342: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-28-2570

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10/22/03
Date

2003 HOUSE TRANSPORTATION

SB 2342

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10/22/03

Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2342

House Transportation Committee

☐ Conference Committee

Hearing Date March 13, 2003

Tape Number	Side A	Side B	Meter #
3		x	0.1 to 4.6
Committee Clerk Signature <i>Lauren B. Fink</i>			

Minutes:

Rep. Hawken opened the hearing on SB 2342, a bill for an Act to create and enact a new subsection 39-10-07.2 of the North Dakota Century Code, relating to the display of an electronic lighting device.

Rep. Dekrey began the hearing by handing out some materials -- first was the written testimony of Todd D. Kranda, a lobbyist for the Eveready Battery Company, Inc.. He could not be present -- the other handout was a photograph of an "Auto Alert" battery powered device. Representative DeKrey represents District 14 and was one of the sponsors of this proposed legislation. the whole purpose of bill was to allow use of this battery power light which was designed to be used in place of emergency flares on roadways when parked vehicles without lights were present at nighttime. the big advantage is that while the do last a long time in storage and in use but the greater advantage may be that they are not open flames. Open flames can create a variety of

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10/22/03

Date

Page 2
House Transportation Committee
Bill/Resolution Number SB 2342
Hearing Date March 13, 2003

different hazards. The present law does not specifically permit this type of device therefore the need for this legislation which specifically does not prohibit them.

Rep. Thorpe: Two questions -- Some company must have asked for this legislation (Ans. Rep. DeKrey - yes - the Everready company) -- and could they not make this in amber also?

Rep. DeKrey: I don't believe that amber is universally accepted distress color -- it may be a problem.

Rep. Thorpe: The reason I asked is because if I came upon one in a low visibility situation I might hit the brakes whereas an amber one would mean caution. Red to me means stop right now.

Rep. Ruby: In Todd Kranda written testimony it refers to the section of the code on this subject and it references red reflectors and I wonder if we shouldn't take a look at that section to see if some change is needed there and maybe we should include that with this bill. then when you take your driving test for your CDL and they show you how you are supposed to park your truck you are suppose to leave three of these reflectors out -- I think this is a good idea because a flare which you can use -- you could start a fire.

Rep. DeKrey: What I think about those triangle reflectors is that is the symbol for a slow moving vehicle. On the farm you are required to have that on your farm vehicles for highway movements.

Rep. Galvin: Is there more than one company that makes these?

Rep. DeKrey: I don't know -- the only one here is Eveready but if we make it legal I am sure that many more of them will give some competition.

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House Transportation Committee
Bill/Resolution Number SB 2342
Hearing Date March 13, 2003

There being no other persons wishing to testify on SB 23423 either for or against, Vice Chairman

Hawken closed the hearing.

End of hearing record (4.6)

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10/22/03

Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2342 b

House Transportation Committee

☐ Conference Committee

Hearing Date March 14, 2003

Tape Number	Side A	Side B	Meter #
1		x	51.3 to end
2	x		0.1 to 3.2
Committee Clerk Signature <i>Laurie J. Ford</i>			

Minutes:

Rep. Weisz opened the discussion for action. Rep. Ruby stated his concern that in deal with flashing lights on the roadway under 39-10 and he was worried about consistency or inconsistency depending upon the actions taken by the committee. Discussion followed concerning flashing light versus reflectors between rights of way and the use of various colors to alert different things. Rep. Thorpe stated he was in complete agreement with Rep. Ruby.

Rep. Hawken moved a 'Do Pass' for SB 2243. Rep. Delmore seconded the motion. On a roll call vote the motion carried 11 Ayes 2 B Nays 0 Absent and not voting.

Rep. Zaiser designated to carry SB 2243 on the floor.

End of record (3.3)

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10/22/03

Date

Date: 3/14/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2342

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38370.0/00

Action Taken Pass

Motion Made By Rep. Hansen Seconded By Rep.

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	✓				
Don J. Ruby	✓				
Dave Weiler	✓				

Total Yes 12 No 1

Absent 0

Floor Assignment Rep. Zaiser

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

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

REPORT OF STANDING COMMITTEE (410)
March 14, 2003 12:38 p.m.

Module No: HR-46-4793
Carrier: Zaleer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2342: Transportation Committee (Rep. Welez, Chairman) recommends DO PASS
(12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-46-4793

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2003 TESTIMONY

SB 2342

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10/22/03
Date

Testimony in Support of Senate Bill No. 2342

Senate Transportation Committee

February 13, 2003

Chairman Trenbeath, Senate Transportation Committee members, my name is Todd D. Kranda. I am an attorney with the Kelsch Law Firm in Mandan and I appear before you today as a lobbyist on behalf of Eveready Battery Company, Inc. to testify in support of SB 2342.

SB 2342 would allow the use of a new safety device for disabled, stranded or stopped motor vehicles in North Dakota. The Auto Alert safety device by Eveready is a new product for use by drivers of passenger motor vehicles. If a vehicle were to become disabled during night time hours the driver would place the Auto Alert device on the ground. The flashing red light of the Auto Alert device would give oncoming traffic advance warning of the hazard.

Currently, it has been determined that this type of a device is acceptable for use in the 49 other states. However, in North Dakota, Section 39-10-07.2 provides a general prohibition of the use of a flashing red light with certain limited exceptions. SB 2342 would amend Section 39-10-07.2 by adding a new subsection that would allow "the use of portable battery powered warning devices emitting a flashing red light placed upon a highway to alert oncoming traffic to a disabled or stopped motor vehicle." The Auto Alert device from Eveready uses one "D" cell battery, stands 12 to 14 inches high, withstands 40 mph winds with no movement, and is clearly visible from a distance of 1 mile.

A copy of SB 2342 has been provided to the Highway Patrol and the Attorney General's office for review and there has been no objection stated to the suggested changes that would allow the use of this type of a safety device by motorists in North Dakota. Allowing this type of a safety device for use in North Dakota would be beneficial for North Dakota motorists.

Accordingly, I urge a DO PASS recommendation for SB 2342. If there are any questions I would be willing to try to answer them.

*17180 N.D. Code § 39-10-07.2

**WEST'S NORTH DAKOTA
CODE
TITLE 39. MOTOR
VEHICLES
CHAPTER 39-10. GENERAL
RULES OF THE ROAD**

*Current through the Special Session of
the 57th Legislative Assembly (2001)*

**§ 39-10-07.2. Display of unauthorized
signs, signals, or markings**

1. No person may place, maintain, or display upon or in view of any highway, any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.
2. No person may place or maintain nor may

any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

3. This section may not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
4. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice when located on highway right of way.
5. No person may place, maintain, or display upon or within the right of way of any highway any sign, post, pole, mailbox, or signal which has a red lamp or red reflector visible to traffic. The provisions of this subsection do not apply to official traffic devices, lamps, or reflectors on motor vehicles or bicycles, or railroad signals or signs.

Search this disc for cases citing this section.

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Deanne Halliday
Operator's Signature

10/22/03
Date

Testimony in Support of Senate Bill No. 2342
House Transportation Committee
March 13, 2003

Chairman Weisz, House Transportation Committee members, my name is Todd D. Kranda. I am an attorney with the Kelsch Law Firm in Mandan and I appear before you today as a lobbyist on behalf of Eveready Battery Company, Inc. to testify in support of SB 2342.

SB 2342 would allow the use of a new safety device for disabled, stranded or stopped motor vehicles in North Dakota. The Auto Alert safety device by Eveready (Photo attached) is a new product for use by drivers of passenger motor vehicles. If a vehicle were to become disabled during night time hours the driver would place the Auto Alert device on the ground. The flashing red light of the Auto Alert device would give oncoming traffic advance warning of the hazard.

Currently, it has been determined that this type of a device is acceptable for use in the 49 other states. However, in North Dakota, Section 39-10-07.2 provides a general prohibition of the use of a flashing red light with certain limited exceptions. I have provided a copy of that entire section of law for which this new subsection is being created. As stated, SB 2342 would amend Section 39-10-07.2 by adding a new subsection that would allow "the use of portable battery powered warning devices emitting a flashing red light placed upon a highway to alert oncoming traffic to a disabled or stopped motor vehicle." The Auto Alert device from Eveready uses one "D" cell battery, stands 12 to 14 inches high, withstands 40 mph winds with no movement, and is clearly visible from a distance of 1 mile.

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Accordingly, I urge a DO PASS recommendation for SB 2342. If there are any questions I would be willing to try to answer them.

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Todd D. Kranda
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10/22/03
Date