

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2366

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10/22/03

Date

2003 SENATE TRANSPORTATION

SB 2366

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2366

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-14-03

Tape Number	Side A	Side B	Meter #
1	X		4150-end
1		X	0-377
2	X		0-177
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbeath** opened the hearing on SB 2366 relating to passengers in vehicles and relating to nonmoving violations.

**Senator O'Connell:** (District 6) Supports SB 2366. See attached testimony and amendment.

**Dawn Mayer** (Health Educator for the ND Department of Health) See attached testimony in favor of SB 2366.

**Senator Trenbeath** noted that this bill is effective on the highway. Presumed then that it wouldn't be effective around town, in the farmyard, across the field etc. Asked about the dispersal of the 27 states that have adopted the law.

**Dawn Mayer** replied that the states are scattered.

**Dr. Todd Twogood:** (ND American Academy of Pediatrics) See attached testimony in support of SB 2366.

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Page 2  
Senate Transportation Committee  
Bill/Resolution Number SB 2366  
Hearing Date 2-14-03

**Mark Bethke:** (Safety Education Officer ND Highway Patrol) (Meter 5600) The Highway Patrol supports some sort of a bill. Maybe not exactly this version. This bill would extend further than a pickup truck. It would extend to whatever type of trailer is being pulled. It would prohibit such situations as hay rides which are common around the state. A concern would be parades.

(Meter 5960) Discussion on different situations that would be exempt from this bill.

**Dr. Twogood** said that many states have imposed a speed on the pickup bill which eliminates a lot of the small exemptions. (Side B Meter 0)

**Senator Nething** asked what speed other states have adopted.

**Dr. Twogood** replied 25 miles and under.

**Dave Peske:** (ND Medical Association) Representing the Medical Association in support of SB 2366. For information purposes handed out a policy statement from the American Academy of Pediatrics. (See attached.)

The hearing on SB 2366 was closed.

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

**Passed.** Floor carrier is **Senator Mutch**.

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*Dennis Hall*  
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 2366

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

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

Action Taken Do not pass

Motion Made By Senator Mutch Seconded By Senator 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) 5 No 1

Absent 0

Floor Assignment Senator Mutch

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

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

**REPORT OF STANDING COMMITTEE (410)**  
February 14, 2003 1:20 p.m.

Module No: SR-29-2772  
Carrier: Mutoh  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2366: Transportation Committee (Sen. Tranbeath, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Eleventh order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-29-2772

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*10/22/03*  
Date

2003 TESTIMONY

SB 2366

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## **Senator O'Connell**

**SB 2366**

The bill prohibits an individual under the age of 18 from riding on any portion of a vehicle not designed for transporting passengers (e.g. in the back of a pickup truck). The exception provided in the bill are for an individual riding in an official parade or being transported in an emergency situation.

The amendment would add an exception for employees engaged in the necessary discharge of the employee's duties.

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10/22/03  
Date



30741.0101  
Title.

Prepared by the Legislative Council staff for  
Senator O'Connell  
February 13, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2366

Page 1, line 21, after "an" insert "employee engaged in the necessary discharge of the  
employee's duties. an"

Page 1, line 22, after "parade" insert an underscored comma and after "or" insert "an  
individual"

Renumber accordingly

Page No. 1

30741.0101

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10/22/03  
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**Testimony**  
**Senate Bill 2366**  
**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 child passenger safety activities in the state. I am here to testify in support of Senate Bill 2366.

The child passenger safety law in North Dakota requires children younger than 18 to be buckled properly when in the vehicle; however, the law does not restrict children from riding in pickup truck cargo areas and other locations on a vehicle not designed for passengers.

Passengers in cargo areas are at risk for injury caused by collisions, ejections, falls, being thrown into unpadded sides or the front of the cargo area, and carbon monoxide poisoning. According to estimates by the American Academy of Pediatrics, as many as one-third of the deaths to occupants of cargo areas were not related to collisions. In addition, carbon monoxide poisoning occurs most frequently in camper shells or toppers that entrap fumes from a leaking or rear-exiting exhaust system.

According to the North Dakota Department of Transportation, in North Dakota from 1997 through 2001, one child died and 26 were injured while riding in the cargo area of a pickup. Ten of the injuries were to children younger than 13, and five injuries were to children younger than 8. Of the 26 injuries, 23 required transport to a medical facility. This data may be under-reported since non-crash events may not be reported to the Department of Transportation.

Currently, 27 states and the District of Columbia restrict passengers from riding in cargo areas. North Dakota has shown its concern for children by enacting the child passenger safety law. As you consider this legislation, please remember that pickup beds are designed for transporting cargo, and that "kids are not cargo."

The Department of Health would appreciate a favorable response to Senate Bill 2366. I am happy to answer any questions you may have.

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Dawn Mayer  
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: SB 2366**

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

### **North Dakota Chapter**

#### **Chapter President**

Bernard J. Hoggarth, MD, FAAP  
Dept. of Pediatrics  
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Grand Forks, ND 58201  
701/780-6110  
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#### **Chapter Vice President**

Todd Twogood, MD, FAAP  
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Fax: 701/323-8884  
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**

Sondrol, MD FAAP  
28th St  
Grand Forks, ND 58201-9231

How can it be safe, going 70 miles an hour riding in the back of a pickup? It can't be safe, however as it stands, right now there is no law to prevent it. Whether you are 6 years old or 16, the decision to do such a thing is not considered illegal in our state. North Dakota law makes it a primarily enforceable to pull over, and fine, a driver under the age of 18 years old who is not wearing a seatbelt - for no other reason than that. Despite this, if a police officer witnesses a pickup box full of 14 and 15 year old kids driving down a busy street or highway at speeds within the speed limit (even if at times that means 70 miles an hour), the officer cannot pull over and fine them. Where is the continuity in our state laws. Where is the consideration for safety.

If an individual is riding in the cargo area of a pickup and involved in a fatal accident, he or she is 3 times more likely to die than the occupants in the cab and 8 times more likely to die compared with restrained cab occupants. In the United States there were 161 deaths of occupants of a pickup cargo area, 48% were children (of those 53% were children ages 15 years old - to 19 years old). In North Dakota we have had children die from riding in the back cargo area of a pickup within the last few years, and I have personally been involved with one of the cases. It's not only being involved in a crash while in the back of a pickup, one-third of all deaths were a result of being ejected from that cargo area.

It's time to take action and enforce what is right in our state. The potential dangers of leaving the responsibility to our children may create harm that is irreversible. A pickup box is no place to be placing our children.

Sincerely,

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@bis.midco.net](mailto:ttwogood@bis.midco.net)

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American Academy  
of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN

## Policy Statement

Pediatrics

Volume 106, Number 4

October 2000, pp 857-859

## Children in Pickup Trucks (RE9953)

## AMERICAN ACADEMY OF PEDIATRICS

## Committee on Injury and Poison Prevention

**ABSTRACT.** Pickup trucks have become increasingly popular in the United States. A recent study found that in crashes involving fatalities, cargo area passengers were 3 times more likely to die than were occupants in the cab. Compared with restrained cab occupants, the risk of death for those in the cargo area was 8 times higher. Furthermore, the increased use of extended-cab pickup trucks and air bag-equipped front passenger compartments creates concerns about the safe transport of children. The most effective preventive strategies are the legislative prohibition of travel in the cargo area and requirements for age-appropriate restraint use and seat selection in the cab. Parents should select vehicles that are appropriate for the safe transportation needs of the family. Physicians have an important role in counseling families and advocating public policy measures to reduce the number of deaths and injuries to occupants of pickup trucks.

Motor vehicle trauma remains a leading cause of death of children. Occupants in pickup trucks should receive the same level of protection provided in other vehicles according to national policies that address protection of motor vehicle occupants. The safety issues relevant for pickup trucks include the following: 1) prohibition of cargo area travel; 2) age-appropriate restraint use; 3) appropriate seat location in the cab; 4) appropriate use of rear seating positions in various models of extended cab vehicles; and 5) risk of air bag-related injuries.

Pickup trucks have become increasingly popular vehicles for passenger transportation. Pickup truck registrations numbered 36.2 million in 1998, representing 17% of registered motor vehicles in the United States.<sup>1</sup> Census data for 1992 indicated that 73% of pickup trucks were used for personal transportation.<sup>2</sup> Restraint use in the cab of pickup trucks has been reported to be lower than restraint use in other passenger vehicles.<sup>3</sup>

## TRAVEL IN THE CARGO AREA

Travel in the cargo area of the pickup truck is a major occupant protection issue that disproportionately involves youth. Because the cargo area is not intended for passenger use, it is neither required nor designed to meet occupant safety standards applicable to passenger locations. Nevertheless, the cargo area is used for transporting passengers. In 1997, 161 deaths of occupants riding in the cargo area were reported; 77 (48%) were children and adolescents younger than 20 years. Of these occupants, 7 (9%) were younger than 5 years; 15 (19%) were 5 through 9 years of age; 14 (18%) were 10 through 14 years of age; and 41 (53%) were 15 through 19 years of age.<sup>4</sup>

Persons who are injured when traveling in cargo areas of pickup trucks are more likely to sustain multiple injuries and injuries of greater severity and have a greater likelihood of death than do occupants

<http://www.aap.org/policy/RE9953.html>

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in the cab. The most significant hazard of travel in the cargo area of a pickup truck is ejection of a passenger in a crash or noncrash event (eg, sudden stop, turn, swerve, or loss of balance, as well as intentional or unintentional jumps and falls). Studies have demonstrated that the proportion of occupants ejected from the cargo area markedly exceeds the proportion ejected from the cab.<sup>5-11</sup>

In a recent study of fatalities in pickup trucks from 1987 through 1996, nearly one third of the deaths among occupants of the cargo area were a result of noncrash events. Of the deaths that occurred as a result of cargo area occupants being ejected, 40% were children and adolescents 17 years or younger. Cargo area passengers were 3 times more likely to die than were occupants in the cab. Compared with restrained cab occupants, the risk of death for those in the cargo area was 8 times higher.<sup>12</sup>

Enclosed cargo areas (camper shells) do not provide adequate protection against injury to occupants. In 1997, 14% of cargo area deaths of children and adolescents younger than 20 years were in enclosed cargo areas.<sup>4</sup> Carbon monoxide poisoning, which may result in death, is an additional hazard to those traveling in the enclosed cargo area of a pickup truck.<sup>13</sup>

Fewer than 50% of the states restrict transport of passengers in the cargo area. No 2 states have identical laws, and only 1 state fully prohibits travel in cargo areas. Restrictions in other states vary according to the age groups to which they apply, conditions of travel (eg, if restrained), and presence of an enclosed cargo area.<sup>14</sup> The application of seat belt and child passenger safety laws to travel in pickup truck cargo areas may be an option in some states; however, in certain states, even occupant area seat belt laws do not apply to pickup trucks. Many Native American nations have adopted occupant restraint laws that apply to pickup trucks as well as passenger cars; other nations use the laws of the state.<sup>15</sup>

#### EXTENDED CABS

With increased sales and use of pickup trucks for personal and family transportation, manufacturers have produced vehicles that can accommodate an increased number of occupants. A variety of extended cab vehicles are available with additional seating capacity that may include a rear bench seat, side-facing back seats, a full back seat with lap/shoulder belts, and/or a middle front seat position with a lap belt (also available in standard pickup trucks). Crash data for occupants in these seats are limited. Compatibility issues exist between vehicle seats and safety seats, including booster seats in some pickup truck seating positions. Car safety seats can only fit and be properly secured in a full-size rear or front seat. Many rear-facing car safety seats do not fit in pickup seats with limited space in front of them, and this limited space may not provide adequate head excursion distance for children in untethered forward-facing car safety seats. For older children, booster seats must be used with lap/shoulder belts to provide adequate protection; however, lap/shoulder belts may not be available in pickup rear seats.

#### AIR BAGS

Concerns about the safety of children in front passenger seats equipped with an air bag are the same as those for other passenger vehicles. Infants must always ride in rear-facing car safety seats in the back seat until they are at least 1 year old and weigh at least 20 pounds. Infants must never ride in the front passenger seat when it is equipped with an air bag. All children should be properly restrained in car safety seats, booster seats, or lap/shoulder belts appropriate for their size and age. The safest place for children is in the back seat in vehicles with a full-size rear seat. However, if there is no rear seat, the rear seat is not full-size, or the rear seat is incompatible with use of a car safety seat or booster seat, the front passenger air bag should be equipped with an on/off switch to accommodate the safe transport of children. The switch should be off when transporting children in the front seat.

<http://www.aap.org/policy/RE9953.html>

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**Hospital Record Keeping**

A need for data exists about injuries in extended cabs, use and nonuse of occupant protection systems, and comparisons of injuries and injury mechanisms between enclosed and unenclosed cargo areas. Documentation of the circumstances of injuries that occur in pickup trucks is needed to contribute to epidemiologic data and to develop preventive counseling guidelines.

**RECOMMENDATIONS**

1. The most effective prevention strategies to reduce the number of deaths and injuries to children in pickup trucks are the prohibition of travel in the cargo area and age-appropriate restraint use in an appropriate seat location in the cab.
2. Parents should be counseled about the following considerations for selecting or using vehicles to meet the safe transportation needs of the family:
  - o No passengers should be transported in the cargo area of a pickup truck or a nonpassenger section of any vehicle.
  - o Trips should be planned in advance so that an appropriate seat position and restraint device are used for each passenger.
  - o Compatibility should be checked between the vehicle seat (front and back seats) and the car safety seat before purchasing a vehicle or a child safety seat.
  - o Infants in rear-facing car safety seats should not be placed in front passenger seats when an airbag is present and activated. If no appropriate rear seating position is available, only place the infant in the front passenger seat if an airbag on/off switch is installed and turned off.
  - o Car safety seats should fit completely on the rear seat of the pickup truck and can be properly secured facing the rear for infants younger than 1 year or weighing <20 pounds, and facing forward for older children. The addition of a tether may improve the security of a car safety seat.
  - o All forward-facing car safety seats should be installed using a top tether in addition to the vehicle belt.
  - o Teenagers should agree that they will not ride or transport others in the cargo area of a pickup truck.
3. The who, what, when, where, why, and how of the injury event should be recorded.<sup>16</sup>
4. Physicians should serve as educators and public policy advocates for measures that will decrease the number of deaths and injuries to children and youth who travel in pickup trucks.
5. Physicians need to be effective advocates for more stringent and comprehensive state legislation that would prohibit any occupant from traveling in the cargo area of a pickup truck. If the state exempts pickup trucks from seat belt laws, efforts should be made to modify these laws to include all passengers in all seat locations. The American Academy of Pediatrics has developed a model state legislation packet related to travel in pickup trucks.<sup>17</sup>
6. Law enforcement agencies should be strongly urged to enforce laws relating to occupant travel, including restraint and seat belt use laws, as well as laws prohibiting travel in cargo areas of pickup trucks.

**COMMITTEE ON INJURY AND POISON PREVENTION, 1999-2000**

Marilyn J. Bull, MD, Chairperson  
Phyllis Agran, MD, MPH  
Danielle Laraque, MD  
Susan H. Pollack, MD  
Gary A. Smith, MD, DrPH

<http://www.aap.org/policy/RE9953.html>

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*Danielle Laraque*  
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