

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2380

2005 SENATE TRANSPORTATION

SB 2380

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2380

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-10-05

Tape Number	Side A	Side B	Meter #
1	x		30-1560
1		x	2470-2650
1		x	3265-3345
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

Chairman Trenbeath opened the hearing on SB 2380 relating to the use of safety belts and secondary enforcement of safety belt violations.

Senator Espgaard (District 43) See attached testimony in support of SB 2380.

Carol Meidinger (Director of the ND Dept. of Health's Injury Prevention Program) See attached testimony in support of SB 2380.

Senator Nething asked about the history of the seat belt law and if the voters approved the secondary seat belt law or the mandatory one.

Carol Meidinger responded that in 1989 the law was passed as a primary enforcement law including front seat and back seat. That one was defeated in December 1989 along with some taxes measures that were on the ballot. In 1993 it was passed again, went to the vote in June 1994 and was upheld. Then there was an initiated measure which went to the vote in November 1994 and was upheld. That was secondary.

Colonel Bryan Klipfel (Superintendent - NDHP) See attached testimony in support of SB 2380.

Senator Trenbeath asked how many citations were issued by the Highway Patrol in 2004 for not wearing a seat belt.

Colonel Bryan Klipfel He said, with the secondary enforcement law, they issued approximately 8,000 citations for not wearing seat belts.

Senator Trenbeath asked if they were involved in the sobriety checkpoints.

Colonel Bryan Klipfel said they were involved. Last year they held 20 sobriety checkpoints around the state.

Senator Trenbeath asked if they cite for seat belt use at those.

Colonel Bryan Klipfel said they do not. They check for alcohol impairment.

Senator Warner asked if they cite for victims of automobile accidents who are not wearing seat belts.

Colonel Bryan Klipfel said they do not. They treat it as a secondary enforcement so they have to stop them for a traffic violation and if they are not wearing a seat belt they will cite.

Senator Mutch asked if they could cite them now.

Colonel Bryan Klipfel responded that they probably could. He would have to look at their policy. There probably are some law enforcement agencies that cite people even with secondary enforcement laws when they are not wearing seat belts in a crash. Their agency doesn't.

Senator Nething asked if they would cite somebody for not wearing a seat belt if they were stopped and failed the test and were cited for that offense.

Colonel Bryan Klipfel replied that they probably would not. When an impaired driver is stopped, there could be all kinds of traffic violations. Normally they look at the main violation and that would be driving under the influence of alcohol.

Deb Jevne (Spokesperson for MADD) See attached testimony in support of SB 2380.

Testimony in support of SB 2380 from **Rod St. Aubyn** (Blue Cross Blue Shield of ND) was placed on record. See attached.

There was no opposition to SB 2380.

The hearing on SB 2380 was closed.

(Side B Meter 2470)

Chairman Trenbeath opened SB 2380 for action.

Senator Warner motioned a **Do Not Pass**. Seconded by **Senator Mutch**.

As per Chairman Trenbeath, the vote was left open for Senator Nething. Final roll call vote was 5-1-0. **Passed**. Floor carrier is **Senator Trenbeath**.

Date: 2-10-05
Roll Call Vote #: _____

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO 2380

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Sen. Warner Seconded By Sen. Mutch

Senators	Yes	No	Senators	Yes	No
Senator Espegard		✓	Senator Bercier	✓	
Senator Mutch	✓		Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Trenbeath

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

REPORT OF STANDING COMMITTEE (410)
February 10, 2005 12:46 p.m.

Module No: SR-27-2396
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2380: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2380 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

SB 2380

SENATE BILL 2380
SENATE TRANSPORTATION
CHAIRMAN TOM TRENBEATH
FEBURARY 10, 2004

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS DUAINE ESPEGARD AND I REPRESENT DISTRICT 43 IN THE NORTH DAKOTA SENATE.

I COME HERE TO ASK FOR YOUR CONSIDERATION OF A BILL THAT WOULD CHANGE THE CODE WITH RESPECT TO THE SECONDARY ENFORCEMENT OF SAFTEY BELT VIOLATIONS. SENATE BILL 2380 SIMPLY MAKES THE NON COMPLIANCE WITH THE LAW A PRIMARY VIOLATION.

IN ORTHER WORDS "IF YOU ARE NOT WEARING YOUR SEATBELT YOU CAN BE STOPPED AND ISSUED A TICKET WITHOUT THE HAVING CREATED ANOTHER MOVING VIOLATION.

I BRING THIS BILL FORWARD BOTH ON A PERSONAL NATURE AS WELL AS WHAT I THINK IS A COMMON SENSE SAFTEY ISSUE.

FIRST ON A PERSONAL NATURE, THIS SUMMER I SAW YOUNG PERSONS LIFE LOST IN A SIMPLE ROLL-OVER. THE ROLL-OVER WAS NOT MAJOR, IN FACT, IT WAS JUST ON THE EDGE OF THE CITY AND THE OTHER OCCUPANT IN THE CAR WAS IN A SEAT BELT AND NOT HURT, THE VICTIM WAS EJECTED FROM THE CAR AND THE CAR ROLLED OVER HER. ONE CAN NOT HELP BUT THINK IF SHE HAD BEEN WEARING A SEATBELT MAYBE HER LIFE WOULD HAVE BEEN SPARED.

MOST OF US TRY TO ABIDE BY THE LAW BUT SOMETIMES WE ALSO ABIDE BY THE LAW WHEN THERE IS A MONITARY EFFECT TO NOT COMPLYING.

HOW MANY OF US WOULD ABIDE BY THE 65 MILE PER HOUR SPEED LIMIT IF WE HAD TO COMMITT ANOTHER VIOLATION BEFORE THEY COULD FINE US FOR THE SPEEDING. HOW MANY OF US WOULD COME TO A COMPLETE STOP IF IT WAS NOT A PRIMARY INFRACTION.

WHAT I AM TRYING TO ILLUSTRATE IS THAT A LAW DOES NOT HAVE THE SAME EFFECT IF THE ENFORCEMENT IS HINDERED. I BELIEVE THAT IN THE CASE OF SEAT BELT USE ENFORCEMENT IS HINDERED.

THE OTHER REASON IS THAT FAR TOO MANY OF OUR CITIZEN DIE OR ARE SEROUSLY INJURED EACH YEAR. IT HAS BEEN REPORTED THAT, AMOUNG OTHER FACTORS, MANY WERE NOT WEARING THEIR SEAT BELT.

SEAT BELT USE IN THE STATE IS LOW IN COMPARISON TO OTHER STATES AND STATISTIC SHOW THAT IN STATES WAS THIS IS A PRIMARY VIOLATION SEAT BELT USEAGE GOES UP 11%. IF THAT 11% CAN BE EQUATED TO JUST ONE LIFE THEN THIS CHANGE IN LAW WILL HAVE BEEN WORTH THE EFFORT.

SOME MAY SAY IT TAKES AWAY FROM MY RIGHTS. IT ALREADY IS A LAW IT IS JUST THE ABILITY TO ENFORCE THE LAW IS WHAT THIS BILL DOES.

THANK YOU MR. CHAIRMAN AND COMMITTEE I ASK THAT YOU SUPPORT SB 2380. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS BUT THERE ARE OTHERS HERE THAT HAVE FAR MORE INFORMATION AND STATISTICS THEN I DO.

DUANE ESPEGARD

Testimony

Senate Bill 2380

Senate Transportation Committee

Thursday, February 10, 2005; 9 a.m.

North Dakota Department of Health

Good morning, Chairman Trenbeath and members of the Senate Transportation Committee. My name is Carol Meidinger, and I am director of the North Dakota Department of Health's Injury Prevention Program. I am here to testify in support of Senate Bill 2380.

The mission of the Injury Prevention Program is to review causes of injury and to develop programs to reduce the number and severity of injuries. According to the department's Division of Vital Records, unintentional injuries are the leading cause of death for North Dakotans ages 1 through 44, with motor vehicle crashes being the leading cause of injury death. From 1999 through 2003, 446 North Dakotans died in motor vehicle crashes – an average of 89 deaths per year. The most tragic thing about deaths from motor vehicle crashes is that many of them could be prevented with the use of safety belts.

Most people don't dispute the effectiveness of seat belts. The debate usually centers on whether seat belt use should be mandatory or if seat belt laws should have primary or secondary enforcement. Many people believe education is the key to increasing seat belt use; however, North Dakota has tried secondary enforcement combined with strong educational campaigns for the last 10 years and has met with limited success. A recent Department of Transportation observation survey indicated that only 67 percent of drivers buckle up, making North Dakota 45th in the nation in seat belt use. States with primary enforcement have seat belt use rates that are 10 to 15 percentage points higher than states with secondary enforcement. Twenty-one states have already upgraded their laws to allow for primary enforcement.

Primary enforcement is important to increase seat belt use not only by adults, but also by children. A national study indicated that when adults buckle up, 87 percent of the children riding with them buckle up; but when adults do not buckle up, only 24 percent of the children riding with them buckle up.

In summary, deaths and injuries caused by motor vehicle crashes are a major public health issue with a readily available remedy – the use of seat belts. Our department, along with many other health and traffic safety agencies, encourages all North

Dakotans to help build a Healthy North Dakota by buckling up. Finally, health education efforts are most effective when combined with strong laws – similar to laws regulating speed limits, driving under the influence and childhood immunizations.

The Department of Health would appreciate your favorable response to Senate Bill 2380. I am happy to answer any questions you may have.

Senate Bill 2380

Submitted by

Colonel Bryan Klipfel, Superintendent - NDHP

Good morning, Mr. Chairman and members of the Senate Transportation Committee. My name is Bryan Klipfel and I am Superintendent of the North Dakota Highway Patrol.

The North Dakota Highway Patrol supports the use of safety restraints by all vehicle occupants. This is evident through the many hours troopers spend on educational efforts encouraging people to buckle up. Troopers are also enforcing the existing secondary enforcement seat belt law. Should this Legislature enact a primary enforcement law, the Patrol would support the change and continue its enforcement and educational efforts.

Troopers recognize, often firsthand, the injury and lifesaving potential of safety restraint use as well as the life threatening consequences of their non-use. Fatal traffic investigation reports written by troopers too often have the following explanation:

- Pickup rollover
- 1 fatality
- Safety belt not worn; ejected

According to information from the National Highway Traffic Safety Administration, rural Americans face a greater risk of being injured or killed in traffic crashes. A combination of factors is responsible for this risk. One of the factors is the low safety belt use. Last year in North Dakota, 69 percent of victims in fatal crashes were not wearing safety belts compared to 28 percent of victims in fatal crashes who were wearing safety belts.

A high percentage of North Dakota fatal crashes are one vehicle rollovers. The lack of safety belts worn by victims in these crashes is very high. Last year in North Dakota of the 33 victims killed in one vehicle rollovers, 29 were not wearing safety belts.

There are too many crashes that have ended in the tragic and senseless death of unrestrained victims. Yes, it is true not everyone who is restrained survives a crash. However, being securely fastened in a safety belt and remaining inside a vehicle during a crash may be your best defense against being seriously injured or killed. I think the deadly statistics on one vehicle rollovers occurring in North Dakota speak for themselves.

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

NORTH DAKOTA HIGHWAY PATROL
Safety Restraint Usage Involving Fatalities
1985 to Present

	1985	1986	1987	1988	1989	1990	1991
Victims Wearing Safety Belts	3 (4%)	4 (5%)	3 (4%)	4 (5%)	5 (8%)	10 (11.6%)	3 (3.9%)
Victims Not Wearing Safety Belts	70 (96%)	81 (95%)	76 (96%)	77 (95%)	60 (92%)	76 (88.4%)	74 (96.1%)
Total Fatalities	90*	100*	101*	104*	81*	112*	94*
	1992	1993	1994	1995	1996	1997	1998
Victims Wearing Safety Belts	6 (8.2%)	7 (9.2%)	12 (16%)	14 (21.9%)	9 (12.3%)	13 (14%)	15 (18%)
Victims Not Wearing Safety Belts	67 (91.8%)	64 (84.2%)	58 (77.3%)	49 (76.6%)	62 (84.9%)	77 (83%)	66 (80%)
Usage Unknown	-	5 (6.6%)	5 (6.7%)	1 (1.6%)	2 (2.7%)	3 (3%)	2 (2%)
Total Fatalities	88*	89*	88*	74*	85*	105*	92*
	1999	2000	2001	2002	2003	2004	2005
Victims Wearing Safety Belts	30 (27%)	10 (14%)	23 (25%)	21 (23%)	15 (17%)	23 (28%)	
Victims Not Wearing Safety Belts	77 (69%)	61 (85%)	69 (74%)	68 (76%)	67 (78%)	57 (69%)	
Usage Unknown	4 (4%)	1 (1%)	1 (1%)	1 (1%)	4 (5%)	3 (3%)	
Total Fatalities	119*	86*	105*	97*	105*	100*	

*Total fatality county also includes pedestrians, motorcycles, bicycles, etc., where safety belts are not applicable.

North Dakota Traffic Crashes/Fatalities
One Vehicle Rollovers

2002 (84 fatal traffic crashes; 97 traffic fatalities)

Rollover Crashes – 31

Number of Fatalities – 32

Victims Wearing Safety Belts – 1

Victims Not Wearing Safety Belts – 29

Victims Ejected – 27

Safety Belt Not Applicable - 2

Usage Unknown – 0

2003 (95 fatal traffic crashes; 105 traffic fatalities)

Rollover Crashes – 30

Number of Fatalities – 31

Victims Wearing Safety Belts – 2

Victims Not Wearing Safety Belts – 26

Victims Ejected – 21

Safety Belt Not Applicable – 2*

Usage Unknown – 1

*tractor

*pay loader

2004 (95 fatal traffic crashes; 100 traffic fatalities)

Rollover Crashes – 32

Number of Fatalities – 33

Victims Wearing Safety Belts – 4

Victims Ejected – 2*

Victims Not Wearing Safety Belts – 29

Victims Ejected – 27

Usage Unknown – 0

*car seat improperly used

**TESTIMONY OF DEB JEVNE
SPOKESPERSON FOR MADD CASS COUNTY**

**SENATE TRANSPORTATION COMMITTEE
THURSDAY, FEBRUARY 10, 2005**

FOR THE RECORD, MY NAME IS DEB JEVNE, AND I AM THE SPOKESPERSON FOR MOTHERS AGAINST DRUNK DRIVING CASS COUNTY AND ALSO A VOLUNTEER MEMBER OF THE SAFE COMMUNITIES COALITION OF THE RED RIVER VALLEY.

I AM HERE TO GIVE OUR SUPPORT TO SENATE BILL #2380. ACCORDING TO 2003 ESTIMATES FROM THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA), APPROXIMATELY 56% OF PASSENGER VEHICLE OCCUPANTS KILLED IN TRAFFIC CRASHES WERE NOT WEARING SAFETY BELTS. SAFETY BELT USE, REINFORCED BY EFFECTIVE SAFETY BELT LAWS, IS A PROVEN LIFE SAVER.

ALL STATES EXCEPT ONE HAVE SEAT BELT USE LAWS, BUT ONLY 21 STATES AND THE DISTRICT OF COLUMBIA HAVE PRIMARY ENFORCEMENT OF THEIR BELT LAWS. IN STATES WITH PRIMARY ENFORCEMENT, LAW OFFICERS MAY TICKET A NON-BELT USER WHEN THEY SEE A VIOLATION OF THE SEAT BELT LAW. WITH SECONDARY ENFORCEMENT LAWS, OFFICERS MAY ISSUE A CITATION ONLY AFTER STOPPING THE VEHICLE FOR ANOTHER TRAFFIC INFRACTION.

SEAT BELT USE IS SIGNIFICANTLY HIGHER IN STATES WITH PRIMARY ENFORCEMENT LAWS COMPARED TO THOSE WITH SECONDARY ENFORCEMENT LAWS. PRIMARY ENFORCEMENT IS IMPORTANT NOT ONLY FOR RAISING ADULT SAFETY BELT USE, BUT ALSO FOR INCREASING THE NUMBER OF CHILDREN WHO ARE PROTECTED BY OCCUPANT RESTRAINTS. RESEARCH ALSO SHOWS THAT WHEN ADULTS BUCKLE UP, 87% OF CHILDREN GET BUCKLED UP TOO.

I KNOW FIRST HAND HOW SEAT BELT USAGE CAN SAVE LIVES. IN NOVEMBER OF 1996 MY OLDEST SON WAS DRIVING HOME WHEN A DRUNK DRIVER HIT HIM ON THE DRIVERS SIDE OF THE CAR AT A SPEED OF 90 MILES AN HOUR IN A 25 MILE AN HOUR RESIDENTIAL ZONE. TREVOR WHO IS AN ADVOCATE ABOUT WEARING HIS SEATBELT WAS SAVED THAT EVENING BECAUSE HE WAS WEARING HIS SEATBELT. HAD HE NOT BEEN WEARING HIS SEATBELT THAT EVENING HE WOULD HAVE BECOME A PROJECTIBLE AND BEEN THROWN FROM THE CAR WITH SEVERE INJURIES AND/OR POSSIBLE DEATH.

AGAIN, ACCORDING TO NTSA, IF ALL PASSENGERS WERE TO WEAR THEIR SAFETY BELTS, AN ADDITIONAL 9,200 FATALITIES AND 143,000 SERIOUS INJURIES COULD BE PREVENTED EACH YEAR. BY JUST ENACTING A STANDARD ENFORCEMENT SAFETY BELT LAW, USAGE RATES RISE 10-15 PERCENTAGE POINTS.

LET'S SAVE THE LIVES OF NORTH DAKOTA RESIDENTS. IT ONLY TAKES BUT A MOMENT TO BUCKLE UP AND SAVE A LIFE.

PLEASE PASS SENATE BILL #2380 TO SAVE LIVES IN NORTH DAKOTA!

THANK -YOU!

Testimony on SB 2380
Senate Transportation Committee
February 10, 2005

Mister Chairman and Committee Members, for the record I am Rod St. Aubyn, representing Blue Cross Blue Shield of North Dakota.

Even though No Fault Coverage is typically responsible for the first \$10,000 of medical claims as a result of an auto accident, serious auto accidents often result in catastrophic injuries. The health insurer must cover these claims in excess of the no fault limit. Many of these serious injuries could be avoided if the driver or passenger was wearing their seatbelts. If SB 2380 results in higher use of seat belts, it will most assuredly result in fewer deaths and serious injuries. Reduction of these injuries will help alleviate the ever-increasing costs of health care.

The increase in health care costs is rapidly making health insurance unaffordable for many families. While the opponents of SB 2830 may argue it's a matter of personal freedom, it is doubtful that these opponents would be willing to personally pay for their cost of injuries as a result of not wearing a seatbelt. Failure of wearing seatbelts affects the cost of health care for everyone. We urge your serious consideration of SB 2380.