

2011 HOUSE TRANSPORTATION

HB 1442

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1442
02/03/2011
13978

☐ Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

HB 1442 is a bill relating to modification of motor vehicles.

Minutes:

Attachments 1-7

Chairman Ruby, District 38, introduced HB 1442. He explained that a speaker will be testifying about some of the issues that law enforcement has with enforcing some of the laws dealing with modified vehicles.

Chairman Ruby distributed the Modified Vehicle section of code and a copy of Chapter 2, Special Motor Vehicles from Administrative Code which is not in statute, but it is enforced.

Chairman Ruby: I would like a constituent of mine from Minot to explain what his intent for the bill is. As I visited with Legislative Council it was frustrating because the definitions for these vehicles are interpreted in many different ways, which brings about confusion. As you hear testimony you will understand what I am saying. One of the things that this bill will **not** do in any form if it comes out of this committee is infringe on what people are currently doing with their vehicles. It will NOT keep people from improving the brakes, changing the suspensions, or building and restoring their cars.

Vice Chairman Weiler: Are there any amendments that are going to be added?

Chairman Ruby: Yes, it will be amended substantially.

Representative Weisz: In section 3b does this say that someone cannot adjust their load while they are moving? Does that affect farm vehicles too?

Chairman Ruby: You can ask the next presenter. It will deal with vehicles that can adjust the suspensions up and down as they drive down the street. It is an area of concern with law enforcement. It will not affect farm trucks.

Scot D. Redding, Police Officer for the community of Burlington, North Dakota, presented written testimony in support of HB 1442 and distributed pictures of photos of

actual vehicles that are being operated in Minot. See attachment #3 and 3a-3f. The sole reason for his presentation of this bill is safety.

Representative Weisz: When you cited this person, did the court throw this out?

Scot Redding: Initially when he was cited, he was found guilty. I cited him again, and he hired an attorney. The case was dropped, because he provided a piece of paper printed from the internet that said that his vehicle weighed 7,044 pounds, I believe.

Representative Weisz: I find that hard to believe, looking at the picture of the vehicle. The licensed weight is probably over that, but most small single axle trucks don't weigh that much.

Scot Redding: The prosecutor threw it out, so it didn't go to court.

Representative Gruchalla: Can you explain the term curb weight? Is it in statute?

Someone read the definition without a microphone, and it was inaudible.

Representative Gruchalla: I was under the impression that the weight was the manufacturer's weight, and it was on a tag on the vehicle. It did not include fluids or anything else.

Scot Redding: It does include fluids. It includes everything as they would put it on a trailer to ship it to a dealer. Lines 111-113, which are lined out, is the computation of how to find curb weight.

Representative Delmore: Can you tell me what the SEMA (Special Equipment Marketing Association) standards look like?

Scot D. Redding: I don't have a copy of it. It is a set of guidelines for after-market parts and manufacturing.

Representative Delmore: When you put those types of things in the bill, can you understand why all these people are concerned about where this bill is going?

Scot D. Redding: I do, but the SEMA standards were already in there. It has been part of this for the last twenty-five years.

Representative Delmore: Even if we don't have a copy of what they are?

Scot D. Redding: Correct.

Representative Delmore: Was it your intent to look at farm trucks that are jacked up to get through muddy fields and that type of thing?

Scot D. Redding: Absolutely not, if it is an implement or farm truck. If it is jacked up to get through muddy roads, there is a provision in there for a dropped bumper. Then, if it happens to impact another vehicle, it will do it safely.

Chairman Ruby: Could you explain the process for the inspections the way they are done now? If someone modifies their vehicle to qualify as a special motor vehicle, what takes place, who does it, and what happens if a vehicle is changed afterwards? What can you do to enforce that?

Scot Redding: The Special Motor Vehicle section is in administrative code, not in Century Code. I can't cite someone into court for administrative code unless it is adopted into local law. It is a set of guidelines that is adopted by the director, and it is not enforceable state law. To my understanding, the only way it is enforced is at the time of inspection by the Highway Patrol when they get their modified motor vehicle license.

Chairman Ruby: The idea would be to capture some of the areas that are not being inspected or enforced in the Century Code. What, other than what is in the modified vehicle section, would you want to be able to enforce that is considered safety equipment?

Scot Redding: There are two things that I would like to enforce. One is the tire sticking out of the wheel wells. They can easily rub on another vehicle, and they throw rocks that might break someone else's windshield. There is no liability for that in North Dakota. This would be covered in the requirement for fenders.

Chairman Ruby: Again, what is the process to get a modified vehicle approved under Special Motor Vehicles?

Scot Redding: They need to contact the Highway Patrol, and the Highway Patrol inspects. You would have to ask the Highway Patrol for sure.

There was no further support for HB 1442.

John Roswik, Midwest Motor Express, spoke in opposition to HB 1442 and provided amendments. He explained that there are some problems with this when it goes to unlimited weight with large class seven and eight trucks. They just don't fit on the bottom end of these scales, like ride height. You may want to consider bumping the weight up, but not make it an unlimited weight. He explained the additional changes. See attachment # 4, proposed amendment. On the back it shows examples of tires with Department of Transportation branding.

Chairman Ruby: I appreciate the work that you did to this. With the tire diameter, it would then read, "with tires placed on a motor vehicle have a diameter greater than when the vehicle is manufactured, those tires must be branded by the manufacturer with D O T." How will that tell if they have the correct type of tire on that type of vehicle?

John Roswik: I don't think that is the issue. When you go to the tire store, you have options of what type of tire you buy. At this time there is no requirement on what tire you have to put on. They just have to be Department of Transportation approved.

Chairman Ruby: In sections E and F that you want to remove, that is currently in Administrative Code. Why is that problematic?

John Roswik: I think it should remain in Administrative Code and let the cities decide. I just don't like fenders. It is an issue with sidewalks.

Chairman Ruby: It is in Administrative Code, so you have to have it inspected to comply already, but, yet some of the cities can't enforce that. Is that the whole idea?

John Roswik: I believe what I have complies. The question is enforcement.

Representative Gruchalla: You feel that flared fenders that can be added to cover the extra wide tires should still remain?

John Roswik: Yes, I think that is a good safety feature.

Representative Gruchalla: The wording says that the tread portion is the only part that has to be under the fender. Would you agree that this language is okay?

John Roswik: I am diabolically opposed to fenders, but I think it would be a viable option.

James Prochniak, Superintendent of the North Dakota Highway Patrol, spoke in opposition to HB 1442 and provided written testimony. See attachment # 5.

Dustin Gervalow (unsure of spelling) spoke in opposition to HB 1442. He feels that the idea of having someone at Department of Transportation inspecting all these modified vehicles is unrealistic. He thinks that the hobby of building cars and vehicles is important to the economy of North Dakota, and this bill will just create more regulation that will hinder those businesses that support that hobby.

Representative Delmore: Are you saying that you would rather kill this bill than amend it?

Dustin Gervalow: If it has to go on, I would say that the Highway Patrol's stance is more in line with reality. Overall, I think the regulation is too burdensome to both the agencies that would be enforcing it, to the business, and hobbyists that are involved with it.

Lanny Moore, representing the National Street Rod Association and a member of the North Dakota Street Rod Association from Grand Forks: We were concerned that the things that are stated in this bill had some way of taking away a piece of our bill that we passed out twenty-five years ago. We were concerned about things such as, tire width regulations, fenders, bumpers, and all the things that we worked to have eliminated, so that we could build the traditional type of street rods or hot rods. I am up here to tell you that we appreciate that that is NOT what this is about. I am also concerned about using the word modified. I would rather use the word modernizing. The people that are involved in the Street Rodding hobby are concerned with safety. We do have a person in North Dakota that is the safety representative for the National Street Rod Association. We have

maintained a good record for twenty-five years. We would like the bill to say the Street Rods are totally exempt from this bill if it passes.

Representative Gruchalla: When this came up we had in no way intended on infringing on the street rods, the organized clubs, or changing any of the rules. We were just trying to find something that would fit these vehicles that have grown out of the law by getting so heavy.

Larry Larson, representing the North Dakota Street Rod Association members, spoke in opposition to HB 1442. He was alerted because the bill said modified motor vehicles.

Larry Larson: There is a street rod law for models 1948 and older. My concern is that there are a lot of guys that are building 1949 and newer cars. The new look is to be low to the ground. Part of the bill says, "part of the motor vehicle must not extend below the lowest part of the wheel rim, except tires and electronic grounding devices designed for that purpose." There are many modern vehicles that are lower than that. If we can leave that part out, I am okay with that.

Pat Fricke, President of Pioneer Auto Club from Bismarck, spoke in opposition to HB1442 and presented written testimony. See attachment # 6.

Schurkey Swanke, Grand Forks: I am glad to hear the original bill is getting some attention. This bill has FATAL FLAWS! I contacted SEMA; they are opposed to this bill. We also have federal motor vehicle safety standards, which also do not apply in this instance. They mostly apply to new vehicles, not after-market parts for old vehicles. The two bodies that you are allowing to certify here in this bill don't perform that work. In acknowledgement that the original bill has fatal flaws, and that it probably would not withstand a court challenge, I am happy to see it revised. The problem is that you didn't fix any of the original problems, and you added ambiguity, confusion, and workload to people who don't want it and aren't qualified to do it. They are not structural, mechanical, or automotive engineers. This bill needs to be revised, but mostly it needs to be gutted. What we are looking for is to perhaps to maintain the bumper height standards, but only if you rework them. Instead of having the bumper attached to the frame, you may want to consider a different word such as bumper attached to the structure, since there are any number of vehicles that don't have a separate frame anymore. I would consider the safety aspect of not having solidly mounted structural parts below the lowest part of the wheel. I feel that the people that put this bill together were negligent. They failed to talk to the ones who have a vested interest in this issue. You did not talk to SEMA or the folks in charge of the Federal Motor Vehicle standards.

Jerome Zimmerman, Co-owner of KraZkustoms Body & Paint in Glen Ullin, North Dakota, spoke in opposition to HB 1442 and provided written testimony. See attachment #7.

Jason Kniffen, Tough Trucks of Minot: I am opposed to this bill. In the last twelve months I have put in 175 lift kits. They have gone in Dodges from 2008-2010. They are above and beyond the gross vehicle weight. The Dodge that is in my shop right now weighs 7282 pounds. When it leaves the shop the bumper heights will be at 27 inches, but it is bigger than a four inch lift, it is actually 8 inches, and there are 38' tires underneath it. The tires

stick out a little bit, so we put on fender flares to compensate for that. What about all the trucks that I have already done. Am I going to have to and take all the stuff back off? There are factory vehicles that come off of the lot that are lower in front than in the back. Is that going to require them to put in a leveling kit in every car that comes off the lot? I put airbags in the back of trucks to adjust the ride height for trailers. Can't we raise them up any more? We have to draw the line somewhere. Are you going to grandfather all the vehicles that are already done in?

Jesse Zander: The weight has to stay in there for the trucks. About the safety certificate, I understand the safety aspect as well as anyone else, but to ask the highway patrol to come in and check everything is excessive. A custom vehicle is never really finished, so to have to have it checked on a monthly basis or however often it is a hard call. I feel that if an inspection is going to take place, it should be the same process that takes place on class eight trucks. You would take the vehicle to a shop in town. They have someone go through the list, inspect it and sign off so you can get a sticker. If Highway Patrol would stop them on the road, and there is a problem, it would get taken care of at that time. I measured some brand new pickups, and an average three quarter ton has a four inch rake to it. If you put a snow plow on one of those trucks, it would bring the front end down another three to four inches. As far as a "generally level stance" goes, it is anyone's call. The Federal Motor Vehicle standard for the tires, it specifically says that a tire has to meet a certain standard to be used on any roadway. It is identified with a D O T marking on the side along with a serial number. That law is not actually changing; it is just getting reworded and adding confusion to the bill. I feel the bumper and bed height is out of date. Twenty-five years ago you put the four inches of allotted lift in a pickup and a little bigger tires, you were still in the ball park of that bumper height. Right now on a three quarter ton Dodge, the rear bumper is at 26 inches, which is within an inch of maximum bumper height. If you put a little bigger tire on, you are already over height. Bed height on the newer pickups is higher than it was twenty-five years ago. A little more leeway would be appreciated there, as long as we keep the bumpers down where they should be. I know of some other states that have a headlight law. I know most people will go an extra step to make sure that a tire is covered so it doesn't throw rocks at other vehicles.

Greg Grube: I want to state that there are laws for the older vehicles ('48 and older), but those of us with cars out of the '50s are left hanging. We have to go through the process of having them inspected. How do we know that the inspector is really qualified to do the job? What liability does that put on the state if he is wrong? There are some factory cars that did not have full width bumpers in the early 70s. Do we make them go back and put them on? They would not be exempt with the NDSRA laws.

Spencer Andrews, a backyard mechanic: He shared concern about the time it would take to inspect the vehicles. He doesn't think that the Highway Patrol has the time and the manpower to inspect every modified vehicle in North Dakota. What about older vehicles that have already had thing done to them? Are we going to have to change everything? I don't think that is fair. How much will it cost, and how much time will it take?

There was no further opposition to HB 1442.
There was no neutral testimony to HB 1442.

House Transportation Committee

HB 1442

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Page 7

The hearing was closed on HB 1442.

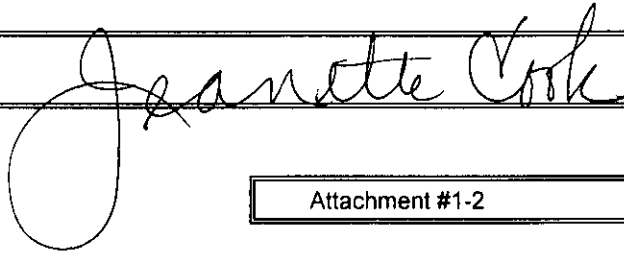
2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1442
02/17/2011
Job #14673

☐ Conference Committee

Committee Clerk Signature



Minutes:

Attachment #1-2

Chairman Ruby brought HB 1442 before the committee. He presented amendments and explained them. Chairman Ruby stated that he addressed the concerns of the opposition by removing their most contentious issues. See attachment #1.

Chairman Ruby: I changed the weight in the first subsection to twelve thousand pounds. This was a recommendation from a car club person. I removed the inspection area in subsection two. It also removes the air or hydraulic suspension systems. I inserted "national highway traffic safety standards". The word "structure" was also inserted instead of "frame" as was suggested by one person who testified. After the amendments the bill only really addresses one of the original areas of concern, and that is the weight limit of the vehicle. To enforce some of the administrative rules, that will have to be done by ordinance by a city. It does not do as much, but it does address some issues. I would be supportive of the study as addressed in the amendment proposed by Representative Gruchalla. See attachment #2.

Representative Weisz: I have a problem with the language changing "seven" to "twelve". You have now included every single axle farm truck. We are not talking registered weight; we are talking weight of the vehicle. Single axle farm trucks are generally between 9,000 to 11,000 pounds with all the equipment on them. I would suggest 16,000 pounds registered weight. I think that will still address the issue of a pickup at curb weight. The way this reads, if someone had to go to court about this, the vehicle will have to be weighed. Using registered weight will clarify if a vehicle falls under this bill.

Chairman Ruby: Would sixteen thousand cover it, since the registered weight is double the manufacturer's listed weight?

Representative Weisz: The truck that we saw pictures of was 7,044 pounds.

Representative Vigesaa: The motor vehicle registration schedule for pickups goes to 20,000 pounds. Most of the heavy new Dodge trucks are between 7,000 and 7,500 pounds. They will probably get bigger. If we go higher than 16,000 pounds, then we will be getting into the farm trucks.

Chairman Ruby: We will then make the change to 16,000 pounds registered weight.

**Representative Vigesaa moved the amendments to HB 1442.
Representative Gruchalla seconded the motion.**

Representative Hogan: Will you review what this bill will do in the end?

Chairman Ruby: It will require that all the safety requirements will have to be applied to heavier vehicles than it does now. The other part just cleans up the language of what standards need to be met, and that the bumper needs to be attached to the structure of the vehicle, instead of saying frame.

A voice vote was taken. The motion carried. (Vote sheet #1)

Representative Gruchalla explained that the intent of the amendment is for Legislative management to look at other areas of traffic code that hasn't been up dated for many years, so it complies with the law. There would be input from the groups that are currently modifying vehicles that are newer than 1949. There is a lot of interest in this. See attachment #2.

**Vice Chairman Weiler moved the amendment.
Representative Onstad seconded the amendment.**

Chairman Ruby: I agree that this would be a good idea.

A voice vote was taken. The motion carried. (Vote sheet #2)

**Representative Vigesaa moved a DO PASS as amended on HB 1442.
Representative Gruchalla seconded the motion.**

Representative Delmore: I am going to oppose this bill.

**A roll call vote was taken. Aye 11 Nay 3 Absent 0 (Vote sheet #3)
The motion carried.
Representative Gruchalla will carry HB 1442.**

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1442

- Page 1, line 9, remove the overstrike over "~~with a weight of~~"
- Page 1, line 9, after "seven" insert "twelve"
- Page 1, line 9, remove the overstrike over "~~thousand pounds~~["
- Page 1, line 9, after "~~3476.14~~" insert "5443.11"
- Page 1, line 9, remove the overstrike over "~~kilograms~~] or less
- Page 1, line 14, remove "An inspection certificate from the department or highway patrol is required after the"
- Page 1, remove lines 15 through 17
- Page 1, line 18, remove "3."
- Page 1, line 18, remove "tires."
- Page 1, line 18, remove the overstrike over "~~permitted modifications~~"
- Page 1, line 18, remove "fenders"
- Page 1, line 23, remove "Air or hydraulic suspension systems used"
- Page 1, remove line 24
- Page 2, remove lines 1 through 3
- Page 2, line 8, overstrike "specialty equipment marketing"
- Page 2, line 9, overstrike "association" and insert immediately thereafter "national highway traffic safety administration"
- Page 2, line 9, remove "or federal motor vehicle safety standards"
- Page 2, line 12, remove the overstrike over "~~department of transportation requirements~~"
- Page 2, line 12, remove "federal motor vehicle safety"
- Page 2, line 13, remove "standards"
- Page 2, line 20, overstrike "frame" and insert immediately thereafter "structure"
- Page 2, remove lines 24 through 30
- Page 3, line 1, replace "g." with "e."
- Page 3, line 3, replace "h." with "f."
- Page 3, line 5, replace "4." with "3."
- Renumber accordingly

Date: 2/17/11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1442

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By D Vigessa Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigessaa					
Representative Weisz					

voice vote carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Amend. #1 with Rep. Weisz change reg. wgt. to 16,000

2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1442

Page 1, line 2, after "vehicles" insert "; and to provide for a legislative management study"

Page 3, after line 5, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - DRIVERS AND MOTOR VEHICLES. During the 2011-12 interim, the legislative management shall consider studying the regulations of drivers and of motor vehicles in the North Dakota Century Code for consistency, clarity, and substance. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

Date: 2/17/11Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1442House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Weiler Seconded By Onstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Study
Amend.
#2*

114
2/17/11
1062

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1442

Page 1, line 2, after "vehicles" insert "; and to provide for a legislative management study"

Page 1, line 9, remove the overstrike over "~~with a~~" and insert immediately thereafter "registered gross"

Page 1, line 9, remove the overstrike over "~~weight of~~"

Page 1, line 9, after "seven" insert "sixteen"

Page 1, line 9, remove the overstrike over "~~thousand pounds~~["

Page 1, line 9, after "~~3175.14~~" insert "7257.48"

Page 1, line 9, remove the overstrike over "~~kilograms~~] or less

Page 1, line 14, remove "An inspection certificate from the department or highway patrol is required after the"

Page 1, remove lines 15 through 17

Page 1, line 18, remove "3."

Page 1, line 18, remove "tires."

Page 1, line 18, remove the overstrike over "~~permitted modifications~~"

Page 1, line 18, remove "fenders"

Page 1, line 23, remove "Air or hydraulic suspension systems used"

Page 1, remove line 24

Page 2, remove lines 1 through 3

Page 2, line 8, overstrike "specialty equipment marketing"

Page 2, line 9, overstrike "association" and insert immediately thereafter "national highway traffic safety administration"

Page 2, line 9, remove "or federal motor vehicle safety standards"

Page 2, line 12, remove the overstrike over "~~department of transportation requirements~~"

Page 2, line 12, remove "federal motor vehicle safety"

Page 2, line 13, remove "standards"

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Renumber accordingly

Date: 2/17/11

Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1442

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Refer to Appropriations ☐ Reconsider

Motion Made By Vigessa Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore		X
Vice Chairman Weiler	X		Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch		X			
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigessaa	X				
Representative Weisz		X			

Total (Yes) 11 No 3

Absent 0

Floor Assignment Gruchalla

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

REPORT OF STANDING COMMITTEE

HB 1442: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1442 was placed on the Sixth order on the calendar.

Page 1, line 2, after "vehicles" insert "; and to provide for a legislative management study"

Page 1, line 9, remove the overstrike over "~~with a~~" and insert immediately thereafter "registered gross"

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Page 1, line 9, after "~~seven~~" insert "sixteen"

Page 1, line 9, remove the overstrike over "~~thousand pounds~~["

Page 1, line 9, after "~~3476.14~~" insert "7257.48"

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Renumber accordingly

2011 SENATE TRANSPORTATION

HB 1442

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1442
15971 & 15972
March 24, 2011

☐ Conference Committee

Hauge

Explanation or reason for introduction of bill/resolution:

Relating to modification of motor vehicles; and to provide for a legislative management study.

Minutes:

Written testimony

Chairman Senator G. Lee opened the hearing on HB 1442.

Representative Ruby, District 38 introduced the bill and gave a brief history of HB 1442. He said that a Minot police officer had brought this forth. He said that he put in HB 1442 to address his issue with modifying trucks and following the requirements. Some of the heavy pickups are over the 7,000 lbs requirement that is set in code. The other issues were with safety. The bill was put together at the last minute and they didn't realize the opposition they would come up against. It caught the attention of people with hobbies of modifying vehicles and building and restoring vehicles. The bill became way more than he intended it to be. He said that the intention was to change the law but not to have it affect these vehicles. After all the discussion the House decided that they needed to have a study. He went on to explain the bill and he suggested that the Senate Transportation Committee might consider amending the bill further. He made reference to regulation of modified vehicles and handed out information.

Mr. Steve McDonald had proposed and amendment that deleted in entirety Section 39-21-45.1. Attachment #1 and #1a

The other change the House made was on line twelve they removed the word frame and substitutes the word structure. Then they added the study to look at the entire section of the 39 code. He said that he hadn't prepared an amendment but would consider changes to take out lines one and two.

Senator Oehlke asked about on page 1, if we are taking out the information on line 9 should we be reinstating it on line 12, 13 & 14.

Representative Ruby replied probably.

Discussion followed on exemptions for Street Rodders and emphasizing that this bill does not affect the exemptions that are already in code. They also discussed Mr. McDonald's purposed wording for an amendment that was in regard to the original bill.

Representative Gruchalla, District 45, said that the 39 code is very confusing. He said that in HB 1442 their intention was not to attempt to change the standard for street rods or hobby motor vehicles. They just wanted to tweak the standards so the vehicles over 7000 pounds would fall under that compliance. He explained the need for a study and updating it. He added that if they change line 7 and 8, which will change the 7000 pounds to 8000 pounds, and add a study, this should take care of the issues for now.

Senator Sitte asked if he would agree to reinstate the language on lines 12, 13, and 14 on page one.

Representative Gruchalla answered yes, he agrees with Senator Sitte. He said if they just go back to the original language of the bill, change the 7000 lbs. to 8000 lbs. and add the study recommendation it should be good to go.

Senator Nething said that he understands the simplicity of changing 7000 to 8000 lbs but doesn't understand the impact.

Representative Gruchalla replied that the impact would be that these particular few vehicles that are over 7000 lbs., if you modify them you don't need to fall into any of the requirements that are in the administrative code. By raising it to 8000 it will take care of the pick-ups and vehicles that are just over the 7000 lbs.

Opposing Testimony

Travis Zabloutney, concerned citizen from Minot, ND testified in opposition to HB 1442.
Written testimony #2

Senator Sitte asked what it would cost him to bring his pickup into compliance.

Mr. Zabloutney said that his best guess would be that he would risk most of his investment and would then have to repurchase to bring it into compliance.

Pat Fricke, President of Bismarck's Pioneer Auto Club testified in opposition to HB 1442.
Written testimony #3

Snurkey Swanke, Grand Forks, ND testified in opposition to HB 1442.
Written testimony #4

Senator Lee closed the hearing on HB 1442.

Committee Work
March 24, 2011

Senator Lee opened committee discussion on HB 1442.

Senator Nodland said that he was leaning towards the study because of the unknowns. He said that he received many e-mails and they opened the door to many new questions. He believes this should go to a study.

Senator Oehlke concurred with Senator Nodland. He said that he could kill the whole bill but he does see a need for that study.

Senator Sitte has concern with the high bumpers but agrees that we should have the study.

Senator Lee said that the discussion was confusing on what they should and shouldn't do and there didn't seem to be agreement with how to change it.

Senator Sitte moved to amend Engrossed HB 1442 by deleting section one. (11.0165.03001)

Seconded by **Senator Nodland**.

Roll call vote: 5-0-1. **Amendment adopted.**

Senator Oehlke moved a **Do Pass as Amended**.

Senator Mathern seconded the motion.

Senator Lee held the vote open for **Senator Nething** to vote.

Roll call vote 6-0-0. **Motion passed.**

Carrier is **Senator Sitte**.

March 24, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1442

Page 1, line 1, remove "to amend and reenact section 39-21-45.1 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to modification of motor vehicles; and"

Page 1, line 2, after "study" insert "relating to consistency of regulations for drivers and motor vehicles in the North Dakota Century Code"

Page 1, remove lines 4 through 24

Page 2, remove lines 1 through 20

Page 2, line 21, replace "2." with "1."

Renumber accordingly

Date: 3-24-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1442

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Sitte amendment

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Sitte Seconded By Senator Nodland

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething					
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

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

Date: 3-24-11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1442

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Oehlke Seconded By Senator Mathern

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething					
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Sitte

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

REPORT OF STANDING COMMITTEE

HB 1442, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1442
was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to amend and reenact section 39-21-45.1 of the North Dakota
Century Code,"

Page 1, line 2, remove "relating to modification of motor vehicles; and"

Page 1, line 2, after "study" insert "relating to consistency of regulations for drivers and
motor vehicles"

Page 1, remove lines 4 through 24

Page 2, remove lines 1 through 20

Renumber accordingly

2011 TESTIMONY

HB 1442

39-21-45.1. Modification of motor vehicle.

1. Except as otherwise provided in this section, a person may not operate upon a public highway a motor vehicle of a type required to be registered under the laws of this state with alterations or changes from the manufacturer's original design of the suspension, steering, or braking system of the motor vehicle.
2. A vehicle with modifications or alterations from the manufacturer's original design of the suspension, steering, or braking systems, is required to undergo a state DOT inspection prior to its being registered after the modifications or alterations are completed. This may be accomplished by the DOT or Highway Patrol. For hobby, special, or other custom or special use vehicles, the requirements of NDAC 37-12-02 may also apply.
3. As to bumpers, bumper height, motor vehicle height, tires, and fenders, the following requirements apply:
 - a. The motor vehicle must be equipped with front and rear bumpers.
 - b. The maximum bumper height permitted is twenty-seven inches [68.58 centimeters].
 - (1) Measurement of bumper height is made from a generally level ground surface to the highest point on the bottom of the bumper.
 - (2) A horizontal drop bumper may be used to comply with the bumper height requirement. The horizontal drop bumper must:
 - i. Be at least three inches [7.62 centimeters] in vertical width;
 - ii. Extend the entire horizontal body width; and
 - iii. Be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
 - c. The maximum body height permitted for the motor vehicle is forty-two inches [106.68 centimeters].
 - (1) Measurement of body height is made from a generally level ground surface to the floor of the cargo area.
 - (2) Air or hydraulic suspension (or combination) systems used to change body height may not be actuated while the vehicle is motion. The vehicle body must maintain a generally level stance and body and bumper heights referred to in this subsection must be maintained while the vehicle is in motion.
 - d. No part of a motor vehicle shall extend below the lowest part of a wheel rim except tires and electric grounding devices designed for that purpose.
 - e. The maximum lift permitted in the suspension system is four inches [10.16 centimeters].
 - f. A vehicle may be further modified in accordance with the following:
 - (1) Any modifying equipment must meet Specialty Equipment Marketing Association (SEMA) and/or U.S. Federal Motor Vehicle Safety Standards (FMVSS).
 - (2) If tires placed on a motor vehicle have a diameter different than that of the tires on the motor vehicle as manufactured, those tires must comply with U. S. Federal Motor Vehicle Safety Standards.
 - (3) The maximum outside diameter permitted for tires is forty-four inches [111.76 centimeters].
 - g. All wheels/tires must be equipped with fenders designed to cover the entire tread width.

- (1) Tread width is the portion of the tire that generally makes contact with the road surface.
 - (2) Fenders must cover the entire tire tread circumference from at least fifteen (15) degrees in front, to at least seventy-five (75) degrees to the rear, measured from the vertical centerline at each wheel.
- h. Vehicles owned by law enforcement agencies, the military, firefighting agencies, and ambulances may be modified without regard to this section.
- i. For hobby, special, or other custom vehicles, owners may review special requirements for these vehicles in NDAC 37-12-02.
- 4. A person charged with violating this section has the burden of proceeding to show that the modifications are permitted under this section.
- 5. The director may adopt further rules to implement this section.

CHAPTER 2. SPECIAL MOTOR VEHICLES

- 37-12-02-01. General considerations.
- 37-12-02-02. Body requirements.
- 37-12-02-03. Chassis requirements.
- 37-12-02-04. Electrical systems requirements - Horn.

37-12-02-01. General considerations.

1. *Scope.* Vehicles constructed, reconstructed, or modified shall comply with all provisions of North Dakota Century Code chapter 39-21 and any other applicable provision of North Dakota Century Code title 39, unless specifically excepted. The requirements of this chapter shall not supersede the original and unaltered design, construction, or equipment standards of motor vehicles manufactured by a recognized manufacturer.

2. *Definitions.* The terms used throughout this chapter have the same meaning as in North Dakota Century Code title 39, except:

a. "Recognized manufacturer" means a manufacturer of motor vehicles intended for use on the public roadways and for distribution and sale in interstate commerce.

b. "Recognized manufacturer or assembler" means every fabricator of a special vehicle assembled in its entirety as a complete product for use on the public roadways.

c. "Special motor vehicles" means those passenger vehicles and trucks with an unladen weight of six thousand pounds 2721.55 kilograms or less equipped with two or more axles having at least two wheels per axle, and which are intended for use on public highways. The term "special motor vehicle" includes the following types:

(1) Type I - Those vehicles which are restored to or retain their original configuration but which may contain changed steering, brake, power train, or suspension systems.

(2) Type II - Those vehicles changed from the recognized vehicle manufacturer's original body configuration but which retain the general appearance, including changes to the body chassis or engine of the original vehicle. This type may also include changes and modifications to engine, chassis, brake system, power train, steering, and suspension systems.

(3) Type III - Other than type I and type II special vehicles, those vehicles custom built with fabricated parts, or parts taken from existing vehicles.

3. *Manufacturer's certification.* The manufacturer or assembler of a special vehicle (type I, II, or III) shall provide a certification of fact that the vehicle is designed and manufactured for use on the public roadway and complies with the performance and equipment requirements of this

chapter. Nothing contained in this chapter shall preclude the motor vehicle division director from requiring a certificate of inspection to ensure compliance with the standard.

GENERAL AUTHORITY: NDCC 39-02-03

LAW IMPLEMENTED: NDCC 39-02-03

HISTORY: Effective July 1, 2008.

37-12-02-02. Body requirements.

1. *Door latches.* Every special motor vehicle that is equipped with doors leading directly into a compartment that contains one or more seating accommodations shall be equipped with mechanically actuated door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened from the inside by the actuation of a convenient lever, handle, or other suitable device.

2. *Floor pan.* Every special vehicle shall be equipped with a floor pan under the entire passenger-carrying compartment. The floor pan shall support the weight of the number of occupants that the vehicle is designed to carry. The floor pan shall be so constructed that it prevents the entry of exhaust fumes.

3. *Hood latches.* A front-opening hood shall be equipped with a primary and secondary latching system to hold the hood in a closed position.

4. *Instrumentation and controls.* Every special vehicle shall be equipped with a circular steering wheel with an outside diameter of not less than thirteen inches 33.02 centimeters .

5. *Rearview mirror.* Every special vehicle shall be equipped with two rearview mirrors having substantially unit magnification. One shall be mounted on the inside of the vehicle in such a position that it affords the driver a clear view of a straight level road surface at least two hundred feet 60.96 meters to the rear. The other shall be mounted on the outside of the vehicle on the driver's side in such a position that it affords the driver a clear view to the rear. When an inside mirror does not give a clear view to the rear, the right-hand outside mirrors shall be required in lieu thereof. The mirror mounting shall provide for mirror adjustment by tilting in both horizontal and vertical directions. Each mirror shall have a minimum of ten square inches 64.52 square centimeters of reflective surface.

GENERAL AUTHORITY: NDCC 39-02-03

LAW IMPLEMENTED: NDCC 39-02-03

HISTORY: Effective July 1, 2008.

37-12-02-03. Chassis requirements.

1. *Brakes.* Every special motor vehicle shall be equipped with parking brakes operating on at least two wheels on the same axle which when applied shall be capable of producing a tire to road braking force of not less than twenty-five percent of the gross vehicle weight on a level, dry, concrete or asphalt surface free from loose material. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

2. *Bumpers.* Every special motor vehicle shall be equipped with a bumper both on the front and rear of the vehicle with the exception of type I and type II special vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. Type I and type II special vehicles, not excepted as noted above, and all type III special vehicles shall be equipped with horizontal load-bearing bumpers or customized bumpers or grill bars of a sturdy construction which have at least an evenly distributed portion of their horizontal load-bearing width within fourteen inches and twenty-two inches 35.56 centimeters and 55.88 centimeters above a level road surface and which extend no less than the width of their respective wheel track distances, when these distances are measured to the width of standard size tires. The horizontal bumper or customized bumper or grill bar structure shall be at least four and one-half inches 11.43 centimeters in vertical height and centered on the vehicle's centerline, and attached to the vehicle frame to effectively transfer impact when engaged.

3. *Exhaust system.*

a. Every special motor vehicle shall be equipped with an exhaust system that is free of leaks, including the exhaust manifolds (including headers), the piping leading from the flange of the exhaust manifolds, the mufflers, and the tailpiping.

b. Exhaust systems on property-carrying vehicles shall discharge the exhaust fumes to the rear of that part of the vehicle designed for, and normally used for, carrying the driver and passengers.

c. Exhaust systems on passenger vehicles shall discharge the exhaust fumes at a location to the rear of the vehicle body or direct the exhaust fumes outward from the side of the vehicle body at a location rearward of any operable side windows.

d. No part of the exhaust system shall pass through any area of the vehicle that is used as a passenger-carrying compartment.

4. *Fenders.* All wheels of every special motor vehicle shall be equipped with fenders designed to cover the entire tire tread width that comes in contact with the road surface.

Coverage of the tire tread circumference shall be from at least fifteen degrees in front to at least seventy-five degrees to the rear of the vertical centerline at each wheel measured from the center of wheel rotation. At no time shall the tire come in contact with the body, fender, or chassis of the vehicle.

5. *Fuel system.*

a. Every special motor vehicle shall have all fuel system components (tank, tubing, hoses, clamps, etc.) securely fastened to the vehicle with fasteners designed for that purpose, and fastened to assure that the fuel system shall be leakproof and fastened so as not to interfere with the vehicle operation.

b. Fuel lines shall be positioned so as not to be in contact with high temperature surfaces or moving components.

6. *Steering and suspension.*

a. A special motor vehicle shall have no parts extending below the wheel rims in their lowest position, excepting tires and electric grounding devices designed for the purpose.

b. The steering system shall remain unobstructed when turned from lock to lock.

c. The steering wheel shall have not less than two turns nor more than six turns when turning the road wheels from lock to lock.

d. While the vehicle is in a sharp turn at a speed between five miles and fifteen miles 8.05 kilometers and 24.14 kilometers per hour, release of the steering wheel shall result in a distinct tendency for the vehicle to increase its turning radius.

e. No special motor vehicle shall be constructed or loaded so that the weight on the wheels of any axle is less than thirty percent of the gross weight of the vehicle.

f. Special vehicles shall be equipped with a damping device at each wheel location providing a minimum relative motion between the unsprung axle and wheel and the chassis body of plus and minus two inches 5.08 centimeters . When each corner of the vehicle is depressed and released, the damping device shall stop vertical body motion within two inches 5.08 centimeters .

7. *Tires.* The front tires on special motor vehicles must measure a minimum of sixty percent of the tread width of the rear tires.

GENERAL AUTHORITY: NDCC 39-02-03

LAW IMPLEMENTED: NDCC 39-02-03

HISTORY: Effective July 1, 2008.

37-12-02-04. Electrical systems requirements - Horn.

Every special vehicle shall be equipped with a horn that is electrically operated and that will emit a minimum sound level of eighty-five decibels measured at a distance of two hundred feet 60.96 meters directly in front of the vehicle under clear weather conditions. The switch used to actuate the horn shall be easily accessible to the driver when operating the vehicle.

GENERAL AUTHORITY: NDCC 39-02-03

LAW IMPLEMENTED: NDCC 39-02-03

HISTORY: Effective July 1, 2008.

Written Testimony

In Reference To:

Proposed Changes to

NDCC 39-21-45.1

MODIFICATION OF MOTOR VEHICLE

Presented by:

Scot D. Redding

Burlington, ND

Representatives, guests, and members of the
Transportation Committee,

My Name is Sergeant Scot D. Redding. I am from
Burlington ND, and I have worked for the City of Minot
Police Department for nearly 21 years.

The sole reason for these proposed changes to the
Modified Motor Vehicle Law is this – Safety!

I have passed around 4 sets of photos of actual vehicles
that are being operated on the roads here in ND, and as
you can see, the bumpers are extremely high.

The black Dodge pickup shown in these photos is obviously modified from its original body height, among other things.

Aside from having a suspension lift kit well in excess of the currently allowed (according to NDCC 39-21-45.1) 4" suspension lift, for normal passenger vehicles, this vehicle is also equipped with an air suspension system, similar to that of a semi-truck, which creates roughly 18 inches of lift total when the air suspension is fully lifted. This puts the bottom of the rear bumper at right around 45 inches

from the ground. The front bumper is nearly the same height.

The general average stock front bumper height for cars is around 18 inches (measured roughly to the middle of the front bumper) and is around 23.5 inches for pickups and SUV's. There are of course exceptions to these numbers, but these are a pretty normal representation of the sedans and pickup/SUV's that are on our roads.

Imagine the stock unchanged vehicle that you drive, either rear-ending a vehicle such as the truck in the

photos, or one of the many others out there that are
similarly as high.

Imagine the pickup in the photos rear ending your sedan
with your children or your parents in the back seat. I for
one would rather not have to respond to that injury
accident!

The bottom line for these rules is simply safety. The
preference of an individual should in no way negate the
safety features and standards that vehicle manufacturers,
NHTSA, State Laws, and the insurance institute have
worked for years to accomplish.

The legal bumper height requirements were placed on vehicles in the past with this theme, of safety, in mind.

My daughter, your mother, and the complete stranger from around the corner are all safer because of motor vehicle standards.

The current century code, allows (according to many) vehicles which have a “curb weight” of 7,001 pounds or more, to be operated on the public streets alongside your vehicle and mine, with modifications which create substantial risk in my estimation.

Now, don't get me wrong, I am a car guy, and I like car shows, parades, rod runs and the like as much as the next car guy.

● Air, hydraulic, or combination air/hydraulic suspension systems, USED TO CHANGE BODY HEIGHT are not allowed to be actuated while the vehicle is being driven. (lines 1-23 to 2-3) Automatic “leveling systems” are not intended to change the ‘body height’, and therefore are not prohibited. This includes stock or aftermarket “leveling systems.”

● The words “or Federal Motor Vehicle Safety Standards” are added to line 2-8 and to line 2-12 and 2-13, which originally referred only to SEMA standards. Additionally the words “department of transportation requirements” are removed from line 2-12.

Sections “e” and “f” are drawn right from the ND Administrative Code, Chapter 37-12-02 (Special Motor Vehicles)

Section “e” (lines 2-24 and 2-25) come verbatim from section 6a, in Special Motor Vehicles in NDAC 37-12-02. This talks about no parts hanging below the lowest part of the wheel rims.

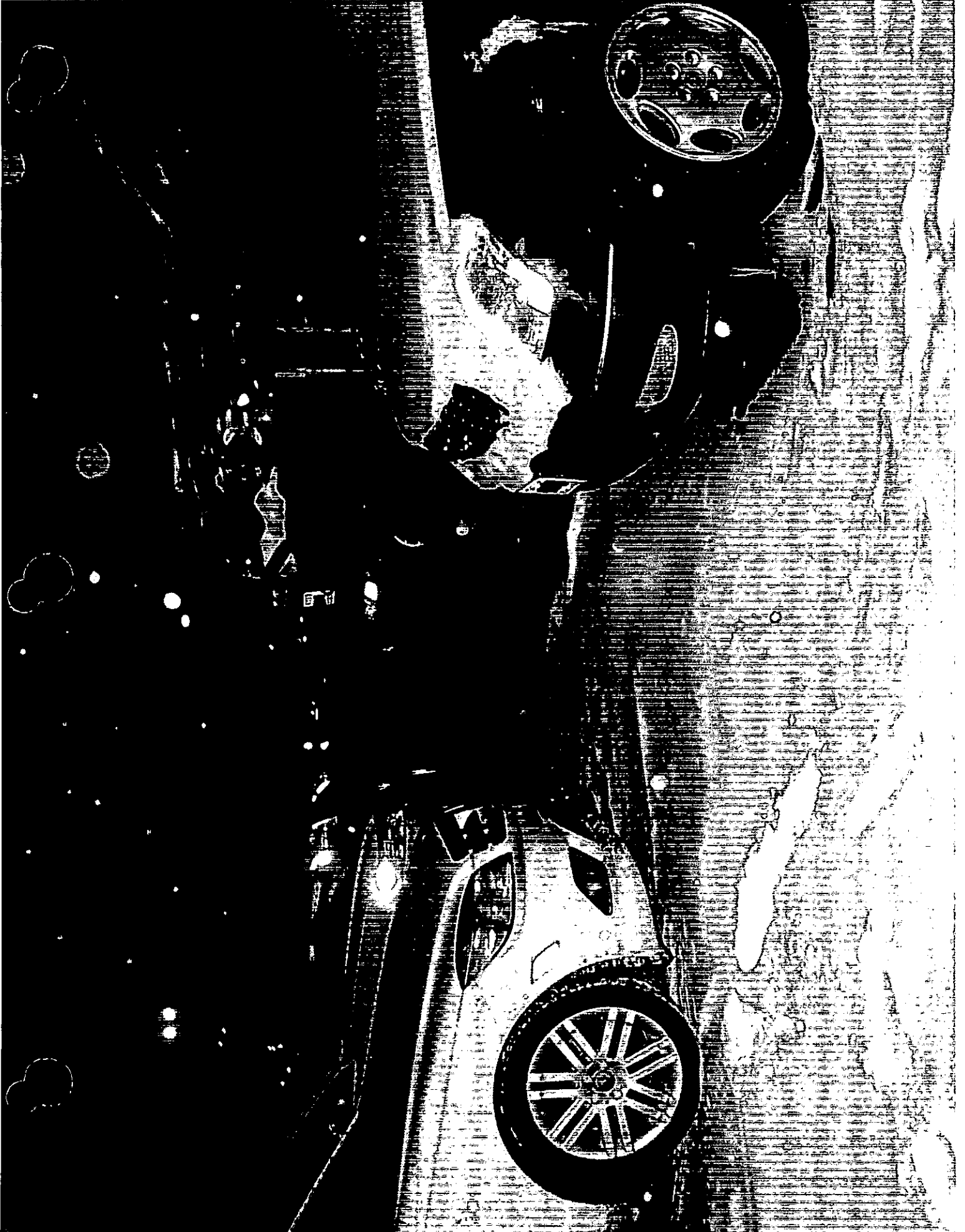
Section “f” (lines 2-26 through 2-30) is taken from section 4 in Special Motor Vehicles in NDAC 37-12-02.

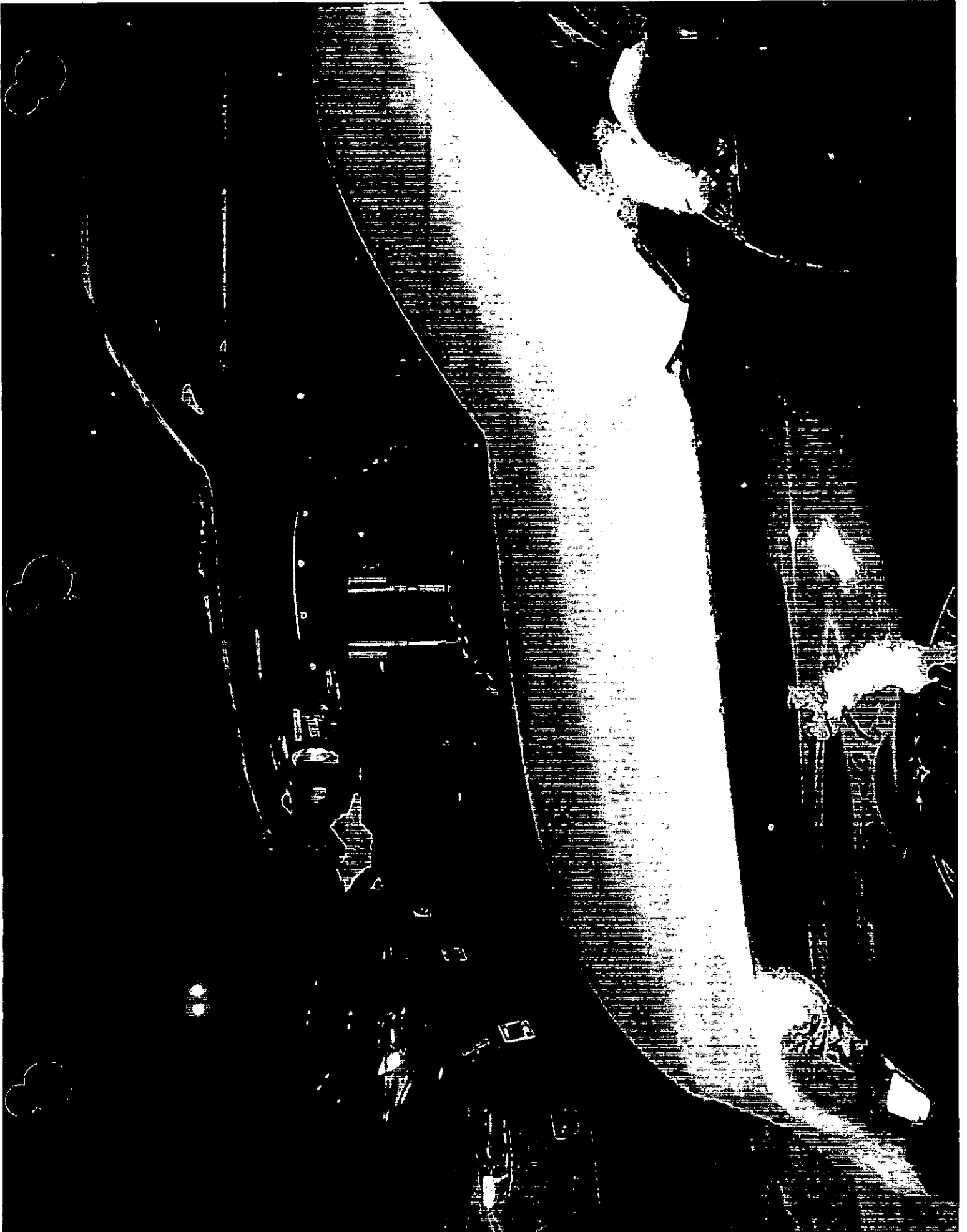
This section requires that vehicles have fenders over their tires.

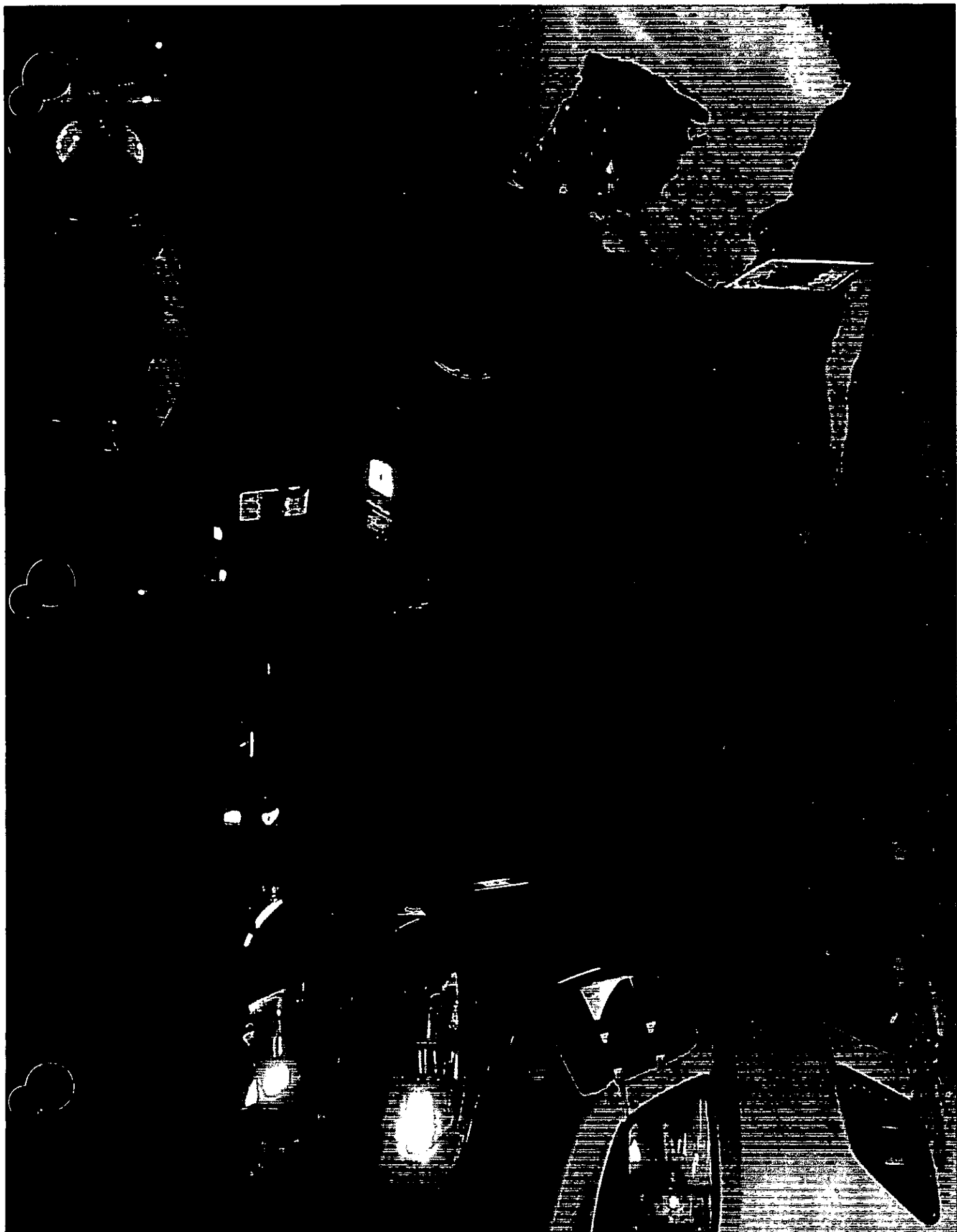
● The only other changes are simple indexing changes which properly index the various sections and subsections.



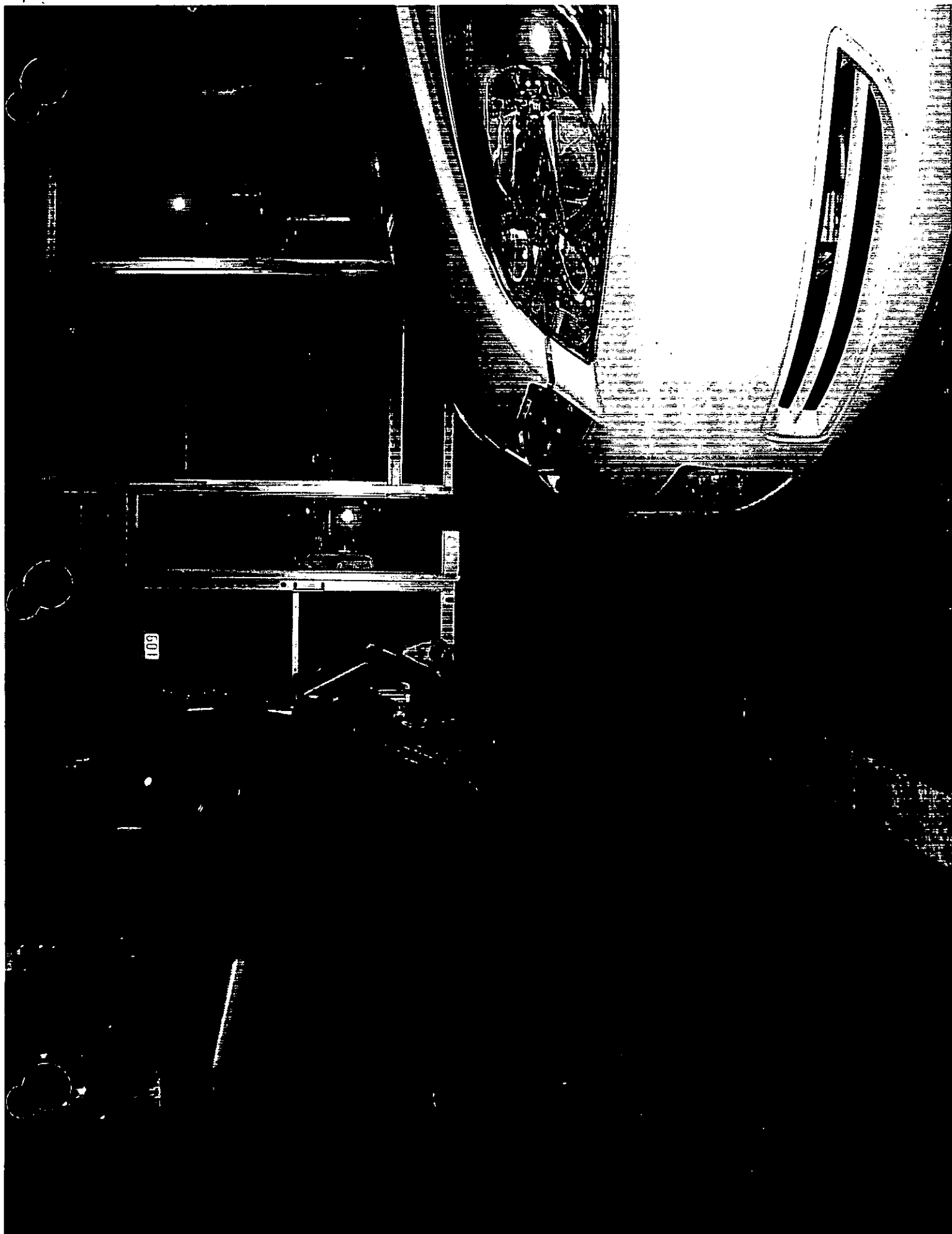
20







3d





#4

HOUSE BILL NO. 1442

1 A BILL for an Act to amend and reenact section 39-21-45.1 of the North Dakota Century Code,
2 relating to modification of motor vehicles.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 39-21-45.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **39-21-45.1. Modification of motor vehicle.**

7 1. Except as otherwise provided in this section, a person may not operate upon a public
8 highway a motor vehicle of a type required to be registered under the laws of this state
9 with a weight of seven thousand pounds [3175.14 kilograms] or less with alterations or
10 changes from the manufacturer's original design of the suspension, steering, or
11 braking system of the motor vehicle. The weight must be computed on the basis of the
12 unmodified and unloaded weight of the motor vehicle and without regard to any ballast
13 that may be placed in the vehicle.

14 2. ~~An inspection certificate from the department or highway patrol is required after the~~
15 ~~completion of all modifications before the motor vehicle with vehicle modifications from~~
16 ~~the manufacturer's original design of the suspension, steering, or braking systems~~
17 ~~may be registered.~~

18 3. 2. As to bumpers, motor vehicle height, tires, and permitted modifications fenders, the
19 following requirements also apply:

- 20 4. a. The motor vehicle must be equipped with front and rear bumpers.
21 2. b. The maximum body height permitted for the motor vehicle is forty-two inches
22 [106.68 centimeters]. Measurement of body height is made from a level ground
23 surface to the floor of the cargo area. Air or hydraulic suspension systems used
24 to change body height may not be actuated while the vehicle is in motion. The

~~vehicle body must maintain a generally level stance and body and bumper heights referred to in this subsection must be maintained while the vehicle is in motion.~~

3. c. The maximum bumper height permitted is twenty-seven inches [68.58 centimeters]. Measurement of bumper height is made from a level ground surface to the highest point on the bottom of the bumper.
4. d. The vehicle may be modified in accordance with the following:
 - a. (1) Any modifying equipment must meet specialty equipment marketing association standards or federal motor vehicle safety standards.
 - b. (2) If tires placed on a motor vehicle have a diameter greater than that of the tires on the motor vehicle as manufactured, those tires must ~~comply with department of transportation requirements~~ federal motor vehicle safety standards. be branded by the manufacturer DOT.
 - e. (3) The maximum outside diameter permitted for tires is forty-four inches [111.76 centimeters].
 - d. (4) A horizontal drop bumper may be used to comply with the bumper height requirement of subsection 3. The horizontal bumper must
 - (1) Be be at least three inches [7.62 centimeters] in vertical width;
 - (2) ~~Extend~~ extend the entire horizontal body width; and
 - (3) Be be horizontal, load bearing, and attached to the vehicle frame to effectively transfer impact when engaged.
 - e. (5) The maximum lift permitted in the suspension system is four inches [10.16 centimeters].
 - e. ~~A part of a motor vehicle must not extend below the lowest part of a wheel rim except tires and electric grounding devices designed for that purpose.~~
 - f. ~~All wheels and tires must be equipped with fenders designed to cover the entire tread width. Tread width is the portion of the tire that generally makes contact with the road surface. Fenders must cover the entire tread circumference from at least fifteen degrees in front, to at least seventy five degrees to the rear, measured from the vertical centerline at each wheel.~~

Sixty-second
Legislative Assembly.

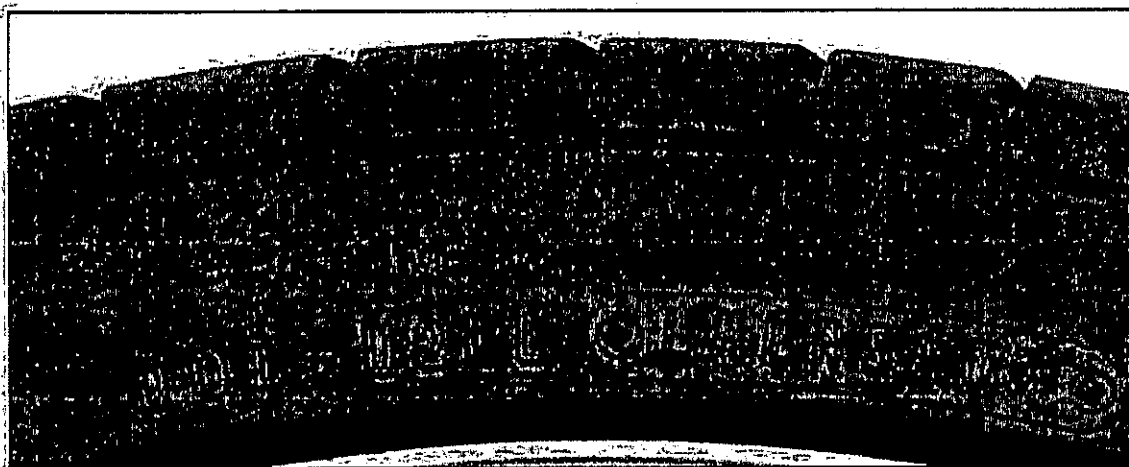
- 1 ~~5. g.~~ (6) A person charged with violating this section has the burden of proceeding to
- 2 show that the modifications are permitted under this section.
- 3 ~~6. h.~~ (7) Vehicles owned by law enforcement agencies, the military, firefighting agencies,
- 4 and ambulances may be modified without regard to this section.
- 5 ~~7. 4. 3.~~ The director may adopt rules to implement this section.

DOT Tire Identification Number

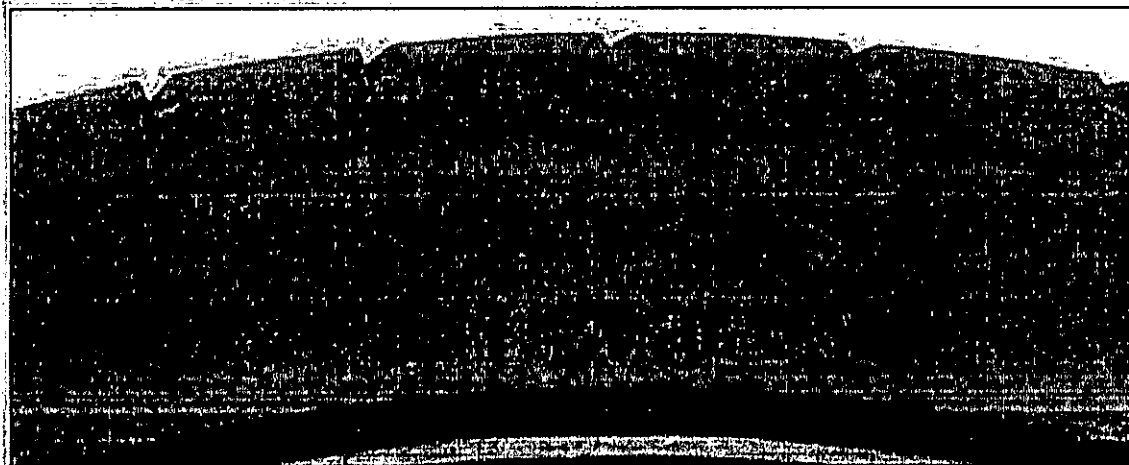
 [Lee esta página en español](#)

Federal law requires tire manufacturers to provide standardized information permanently branded on the sidewalls of all tires sold in the United States. This includes information about the tire's basic characteristics, capacities and construction, as well as its U.S. Department of Transportation (DOT) Tire Identification Number used for safety standard certification and in case of a recall.

Current regulations require that Tire Identification Numbers begin with the letters "DOT," followed by ten, eleven or twelve characters (see photo below) that can be used to identify the manufacturing location, tire size and manufacturers' specifications, along with the week and year the tire was manufactured. So while DOT Tire Identification Numbers are commonly but erroneously referred to as the tire's serial number, unlike the serial numbers used on most other consumer goods that identify one specific item, Tire Identification Numbers actually identify production batches.



Regulations also require the entire DOT Tire Identification Number to be branded on one sidewall while only the letters "DOT" and the first digits of the Tire Identification Number must be branded onto the opposite sidewall (shown below). Therefore it is possible to see a Tire Identification Number that appears incomplete, yet simply requires looking at the tire's other sidewall to find the complete Tire Identification Number.



Because not all tires are intended to be imported and sold in the United States, many tires are developed and produced without being tested by their manufacturer to confirm they meet all U.S. Federal Motor Vehicle Safety Standards (FMVSS). Without conducting the tests and certifying these tires meet U.S. requirements, these tires are not allowed to be branded "DOT" (shown below) and cannot be legally driven in the United States.

Testimony – House Bill 1442
House Transportation Committee
Submitted by
James Prochniak, NDHP

February 3, 2011

Good afternoon, Chairman Ruby, and members of the House Transportation Committee. My name is James Prochniak, Superintendent of the North Dakota Highway Patrol. I'm here today to provide testimony in opposition of House Bill 1442 and to provide information to clarify the position we are taking.

House Bill 1442, Section 1, includes language that excludes vehicle weight. It is my understanding this language would address the concern associated with modifying certain vehicles. We feel that changing the wording to 12,000 lbs. would be more beneficial. By completely removing the reference to weight, this bill would require any vehicle making alterations to steering, brakes, and suspension to be inspected by the Highway Patrol. For example, a truck modified with a hydraulic axle in an effort to carry additional weight would need an inspection.

Section 2 would require an inspection certificate for all the vehicles receiving modification to steering, braking, and suspension. The Highway Patrol is concerned with this language because our officers don't have the training or qualifications to perform inspections of this detail. Secondly, such language brings up liability concerns for the agency. We are currently in discussion to remove these very inspection categories from current inspection forms for the same concern.

Sections 3.d.(1) and (2) reference "federal motor vehicle standards" as a requirement to comply with standards. Currently, many of those standards are already in place through administrative code. However, by making the federal statutes a part of state law we would have to continually change our language to match the many changes from the federal legislation.

Local jurisdictions could address the issue of enforcement by incorporating the provisions of 39-21-45.1 and the DOT's administrative rules into local ordinances.

Chairman Ruby, members of the committee, this concludes my testimony.

I'd be happy to answer any questions you may have.

#6

HB 1442

Testimony of Pat S. Fricke, Bismarck

Pioneer Auto Club, President

I am opposed to HB 1442.

We automobile hobbyists take great pride in our vehicles and in most cases, the vehicles are more "road worthy" than when originally manufactured and certainly in better condition than the general population of vehicles on the road. I am not aware of a particular problem about "modified" vehicles. This bill would subject our members' vehicles to unnecessary requirements and inspections. This bill seems like a **solution looking for a problem**.

HB 1442 is harmful to our automobile hobby in that it diminishes the latitude of creativity and ingenuity needed to continue the hobby. Without new and younger people taking up the hobby, local car shows all over the state will eventually fade away as current enthusiasts grow older and leave the hobby. Buggies-N-Blues is the best example of a local car show in the Bismarck-Mandan area. More than 400 vehicles have lined Mandan's main street the past several years. The economic effect of our hobby is very large when all facets are considered.

Page 1, lines 9 and 10 defines "modification" as "alterations or changes from the manufacturer's original design" or in other words, **not original equipment**. Merely putting heavy duty shock absorbers on a vehicle would require the vehicle be inspected and activates all of the restrictions of 39-21-45.1.

Some specific concerns follow:

Page 1, lines 14 to 17, would require the Highway Patrol (HP) or the Department of Transportation (DOT) to inspect all modified vehicles before they could be registered and licensed. What are the standards/satisfactory elements of this inspection? Who is to make the determination that a vehicle has been modified thus requiring the HP or DOT inspection? Does this suggest that DOT will have to make some form of inspection of **all** vehicles to ascertain whether or not a vehicle has been modified? Are HP and DOT personnel qualified to conduct these inspections? These activities would likely be very expensive. Has a cost estimate (fiscal note) been completed?

Page 2, line 24, regarding height of vehicle parts.....it is common and not a safety hazard for exhaust parts to be lower than the wheel rim. Would this section require truck mud-flaps to be above the wheel rim rather than as close to the ground as possible?

Page 2, line 26, would require fenders to cover the entire tire tread width. That would result in modifications to all flatbed trucks, eighteen wheelers, semi-trailers, and many other utility vehicles. How much would that cost the private vehicle owner?

I am sure there are many other examples of how this bill would have negative impacts without any positive results.

I urge the Transportation Committee to recommend "Do not pass" on HB 1442.

#7

February 3, 2011
PO Box 71
Glen Ullin, ND 58631

Dear North Dakota House Transportation Committee:

My name is Jerome Zimmerman. I am co-owner and operator of KraZkustoms Body & Paint LLC, an auto restoration and customization shop in Glen Ullin, ND. I am also a member of the North Dakota Street Rod Association and Pioneer Auto Club; and I am writing to urge your dismissal of House Bill 1442. The proposed changes to NDCC Section 39-21-45.1 in HB 1442 would have a negative impact on our business, businesses like ours, aftermarket parts suppliers, and the street rod hobby as a whole in the state of North Dakota.

As I understand the bill, all vehicles with modified suspensions, brakes, and steering must be inspected by NDDOT or NDHP before they can be registered or operated on ND public roads. The bill reads as if this is the case whether or not the vehicle is modified with SEMA-approved or federally-approved equipment. A simple shock or strut replacement would need an inspection before it could leave a repair facility. The NDDOT and NDHP will have thousands of vehicles to inspect. This seems to be a tremendous waste of time for the shop owner, repair tech, and vehicle owner. I have waited up to two weeks for a VIN inspection in the past. Also, the bill does not state whether these inspections will be retroactive.

To avoid the hassle of inspection or the burden of proving compliance, vehicle owners may opt to forego modifications. This would have a huge impact on the aftermarket parts industry and the shops that install these parts for modern and vintage cars.

Our shop's goal is to build traditional style custom cars for our customers. The stipulations in HB 1442, such as no part of the vehicle may extend below the lowest point of the rim or the fender dimensions, severely limit our ability to create the custom cars that our customers request. Many of our custom cars will not be protected under NDCC 39-21-52 (Exemption for certain street rod motor vehicles) because they are manufactured after 1948. The vast majority of times, modifications to the suspension, steering, or braking systems are made to make the vehicle safer. Upgraded braking systems are often required to stop these heavy cars.

Other vague language in the bill, such as "generally level", is concerning because it is subjective and up to the discretion of the enforcing officer.

Please consider the impacts HB 1442 will have on the automotive industry and custom car hobby in North Dakota. I urge you to either dismiss or re-write HB 1442 to achieve your objectives and preserve the street rod and custom car culture in ND.

Sincerely,

Jerome Zimmerman
Co-Owner, KraZkustoms Body & Paint
Member, North Dakota Street Rod Association
Member, Pioneer Auto Club, Bismarck

#1

Ruby, Dan J.

From: Steve McDonald [SteveM@sema.org]
Sent: Thursday, February 24, 2011 11:50 AM
To: Ruby, Dan J.
Subject: H.B. 1442

Representative Ruby:

Thank you again for the phone call to discuss H.B. 1442. I understand that the next substantial action on its content will take place in the Senate. As amended and approved by the House Transportation Committee the bill states under Section 39-21-45.1 2(d):

The vehicle may be modified in accordance with the following:

Any modifying equipment must meet NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION standards.

As we discussed, the National Highway Traffic Safety Administration (NHTSA) only issues standards to regulate equipment that is required on all new motor vehicles. Modifying equipment may only be regulated if it takes a vehicle out-of-compliance with a required piece of safety equipment when installed. For example, lift kits used to modify ride height for function and utility are not specifically regulated by NHTSA.

Accordingly, I am requesting a Senate amendment that deletes in its entirety Section 39-21-45.1 2(d). I believe that would be the easiest and most effective way to avoid confusion with the legal function of the NHTSA standards.

Please contact me at 202/783-0864 or by return e-mail if you have any questions.

Thanks again.

Steve McDonald
Vice President, Government Affairs
Specialty Equipment Market Association

Specialty Equipment Market Association

39-21-52. Exemption for certain street rod motor vehicles.

The provisions of this chapter or chapter 37-12-02 of the North Dakota Administrative Code relating to bumpers, tires, and fenders do not apply to street rod motor vehicles. However, a street rod must have all equipment, in operating condition, which was specifically required by law as a condition for its sale when it was first manufactured. A street rod is a modernized motor vehicle which was manufactured before 1949 by a recognized manufacturer and which retains the general appearance and original body configuration as manufactured or a motor vehicle designed and manufactured to resemble such a motor vehicle. A street rod may have improved modifications to the body, chassis, engine, brakes, power train, steering, and suspension systems either by modifying the original equipment or replacing original parts with fabricated parts or those taken from other existing vehicles. The director may adopt rules to implement this section.

Source. S.L. 1987, ch. 483, § 1.

To: Senate Transportation Committee

Senators:

Gary A. Lee

Dave Oehlke

Tim Mathern

Dave Nething

George Nodland

Margaret Sitte

SUBJECT: HB 1442 To Amend and Reenact Section 39-21-45.1 relating to the modification of motor vehicles;

Dear Senate Transportation Committee Members:

My name is Travis R. Zablotney and I am a concerned citizen from Minot, North Dakota. I am writing to request your concern and consideration regarding HB1442. Section 39-21-45.1 is obviously an old and outdated section of the North Dakota century code needing reconsideration or elimination. I understand that this email is lengthy but it will provide an excellent guide in your decision making path. This law unnecessarily restricts and discriminates against the 4x4 truck enthusiast in the state of North Dakota. I have been a truck enthusiast since I was a child and have owned a lifted truck since I was 16. This is my hobby and personal interest that I enjoy. At the age of 40 I still own one today. It is a 2005 Ford F-350 Super Duty Harley Davidson Edition (picture attached). I have \$6500 invested in the suspension lift alone not including wheels and tires. It is equipped with an 8" suspension lift and 37.5 inch tires. Safe operation of this truck was a primary concern when the package was put together and installed by a retail business in Minot, ND. The truck rear bumper height is at 32.5 inches, the body height is at approximately 45 inches, the height to the center of the headlights is 50". The amendment of this law would make my truck illegal. I would like to explain the concerns with this bill and statute from my point of view.

This bill and statute create a whole host of questions to be answered and considerations to be made in order to make an appropriate decision regarding this bill. Please allow me to suggest what they might be and may I, for your benefit, provide my answers to these questions and in advance apologize when I only provide more questions?

How and why did this bill arrive before the state legislature?

I feel that it is important to understand the original reason or intent for the introduction of the amendment to this statute. As I sought an impartial understanding as to the necessity of both the entirety and the specific provisions of the statute, I confirmed with Rep. Dan Ruby, who introduced the bill, the reason for its introduction. He confirmed for me that a current officer of the Minot police department with the full support of the MPD organization requested the introduction of this bill. The officer of the MPD had twice issued a citation to a Minot resident, in his view, for violating the current version of the modification of a motor vehicle statute. The citation was twice overturned by a judge as it was found that he did not violate the statute and was within the current version of the law. For an unapparent and unexplained reason the MPD officer has made it a prerogative to attempt to get the current version of the statute amended. It appears to me that the officer may feel he has a score to settle. This is hardly a rational reason to create or modify a statute.

I personally question the correctness of an officer and a police department attempting to create or modify such an unnecessary and overbearing law. I realize that they are State

citizens, however they are also publicly paid employees hired to enforce the law. In my view it is much more appropriate for a statute to be initiated and passed by the people and enforced by the police. The founders of our country fled this type of overbearing government ... "so that this nation, under God, shall have a new birth of freedom -- and that government of the people, by the people, for the people shall not perish from this earth. Can you see how this might be crossing the line?

Why is this bill important to the state of North Dakota – What of significant importance does it provide its citizens? Does this bill and statute unnecessarily restrict the freedoms of North Dakota citizens?

I personally feel this bill and statute is of not enough importance to waste continued time in its debate or significant enough to its citizens to be on the books as law. It absolutely and unnecessarily restricts our freedoms. In my discussions with other citizens regarding this bill the continued comment is "Don't they have more important things to work on?" or "Just what we need - more laws restricting our freedoms!" This is an assault on many of us who enjoy our vehicles as a hobby and past time.

Men fight for freedom, then they begin to accumulate laws to take it away from themselves. ~Author Unknown

I spoke with Captain Jeff Balentine Chief of Police at the Minot Police Department in order to understand the concerns of the MPD. He stated "We need to get the monster trucks off the road. Cars are getting smaller and we can't allow trucks to get bigger." I clarified with him that he thought if it was a safety issue and he responded – yes. I also asked him if he was aware of any accidents or injury caused due to a modified vehicle and he responded - No. Safety is a very weak argument and quite speculative without evidence of a real risk or injury. Has anyone seen any statistics regarding the injury that has been caused by a modified vehicle? I have not and expect that is because there virtually is no injury that can be accounted for due to a modified vehicle. I have heard of more people being injured or killed during deer hunting season (a sport or hobby) than by a modified vehicle. Should I suggest that we take guns away from hunters because they accidentally shoot each other? How far do we go to protect ourselves from accidents and unpredictable incidents? What about people that drive and text. Talk about a safety issue and we address it with a \$50.00 fine? Now that's insanity!

Does this bill discriminate against a particular group of citizens or activity?

This bill and statute absolutely discriminates and singles out one type of vehicle owner and enthusiast - the owner of a lifted or modified truck. Why do street rod owners and other types of vehicles get an exemption from modified vehicle requirements? Why are multitudes of other types of vehicles not regulated in regards to alterations, bumpers, bumper height, tire size, body height and more? I have included pictures of dump trucks, roll off trucks, stake trucks, seed tender trucks, semi trucks, semi trailers – belly dumps and grain trailers, self propelled sprayers and floaters. All of these violate one or more of the sections of this statute if it applied to all vehicles. This type of equipment could pose risk equal or greater than that of a modified or lifted truck. Are you going to regulate them all or just discriminate against the owner of a lifted or modified truck? Again what harm do these vehicles cause?

No man is above the law and no man below it. ~Theodore Roosevelt

This bill may also affect unintended vehicles like stock factory Ford Super Duty's and heavy duty Dodge Rams. They currently have bumper heights at or beyond 27 inches. It will impact trucks with mounted flatbeds, welding trucks, and trucks with service bodies. These vehicles have body heights greater than 42" and typically bumpers that do not extend the entire horizontal body width. You will be impacting industry because the bill and statute will make many of these trucks illegal. Will the law be enforced with these types of vehicles or simply be over looked? Will we be once again discriminating against only the owner of a lifted or modified truck?

Do government and state law need to govern this issue?

There has not been evidence, statistics or testimony to my knowledge that justifies a concern for injury or death do to or caused in part by a modified or lifted motor vehicle. This seems to simply stem from a subjective and unsubstantiated argument that it might pose a safety risk. What lengths does our government need to take to insure the safety of all? In accidents, what role or responsibility is imposed on the driver to pay attention and to drive defensively in order to not become a party to an accident? There are risks all around us as drivers that we cannot realistically expect someone or something other than our own care and safe driving behaviors to help protect us. – There are multitudes of other vehicles that are on the road that create a much greater risk to others than a lifted truck - again why the discrimination? Consider other types of driving hazards that can cause injury or death like steep embankments or ditches, poor road surfaces, culverts, poles, lack of shoulders, loose surfaces – how far do you go to regulate in order to protect? Is it not a role that our insurance industry plays? They regulate unsafe vehicles and driving behaviors through insurance premiums. The larger the risk a vehicle or operator poses the higher the cost to operate a vehicle to a point were you can no longer continue to operate a vehicle that is deemed unsafe or to drive in a manner that is unsafe. Consider this – who requires a fence to be placed around a swimming pool? - A government agency or an insurance company? I think it's the latter. Proof that safety can be regulated without strict laws. The great thought, the great concern, the great anxiety of men is to restrict, as much as possible, the limits of their own responsibility. ~Giosué Borsi

Is this law written in a way that it makes sense and applies to the matter to be regulated? Is the law appropriately written in a clear and consistent manner that is meaningful and enforceable?

There are several issues with the way this bill and statute is written currently. HB 1442 does not indicate any objective criteria that the state patrol will use to determine which modifications are legal. 4 inch lift restrictions, 27" bumper heights, 42" body height, and 44" tires do not go together. You could not create a balanced vehicle with the current regulations. You would need a larger lift than 4 inches for 44" tires to fit in the wheel wells of a truck.

1. This section simply discriminates against vehicles with a registered gross weight of 16,000 pounds or less. What about the vehicles over 16,000 lbs. Many do not meet the bumper or body height requirements of this statute.
2. b. Many stock vehicles with mounted work bodies will not meet this requirement and will be over a 42" body height. I am not sure as to the relevance of a body height measurement at all.
 - d. 1. According to SEMA (Specialty Equipment Manufacturers Association) the National Highway Traffic Safety Administration (NHTSA) only issues Federal Motor Vehicle Safety Standards (FMVSS) to regulate equipment that is required on all new motor vehicles. Lift kits used to modify ride height for function and utility are not specifically regulated by FMVSS
 4. Many Stock vehicles with mounted work bodies will not meet the requirement of a drop bumper extending the entire horizontal body width.
 5. Four inches of suspension lift is not a reasonable standard or regulation.

Are there other alternatives aside from this bill and statute to achieve the desired results?

Is there a state law on the books that requires all motor vehicles operating on the public roadways to be safe? If we had a law that generally required motor vehicles to be operated in a safe condition it would more likely accomplish an overall goal of safety. Montana does not have a specific law regulating suspension, steering, bumper height, vehicle frame height or fenders. Instead they have chosen Montana Code Title 61-09-109 Driving vehicle in unsafe condition prohibited. It is a misdemeanor for a person to drive or permit to be driven on a highway a vehicle or combination of vehicles that: (a) is in such unsafe condition as to endanger a person;

If this bill is recommended do pass – how will citizens that made substantial investments in their property as regulated under prior law be dealt with? What considerations have been made to the impacts of business in North Dakota that are involved in installing safe vehicle modifications?

Several years ago I invested \$6500 in suspension modifications on my 2005 Ford F-350. At that time and currently it is a legal modification. There are thousands of other citizens in the state that have done the same. How will they be handled? Will they be grandfathered, compensated? How would you feel and what would you expect if you were in this situation? Is this a case of inverse condemnation? Is this a governmental regulatory taking? This is considered to occur when the regulation of the property's use is so severe that it goes "too far" and deprives the owner of the property's value, utility or marketability, denying him or her of the benefits of property ownership thus accomplishing a constitutionally forbidden de facto taking without compensation.

If even necessary at all, what might a more reasonable, clear, and consistent version of this bill look like?

All vehicles should be required to operate in safe condition. A reasonable statute would require a vehicle to be in safe operating condition first and foremost. The number one and only item to consider with lifted trucks would be bumper height due to its potential to protect another vehicle. Tire size, frame height, and size of suspension lift is irrelevant. Manufacturers of these products have product safety liabilities and would not be able to produce a product that would expose them to extreme product liability. Neither the insurance companies nor a company owners own pocket book will allow it.

I request that the statue be removed from law. If this is not possible then:

I request that you amend the bill to

1. Include all vehicles and vehicle types
2. Remove the maximum body height regulation
3. Raise the maximum bumper height to 35" for the benefit of all vehicle types
4. Remove the maximum tire height
5. Raise the maximum suspension lift to be permitted to 10 inches.

Please kill HB 1442 in your committee and send it on to the Senate with a 'do not pass' recommendation. Thank you very much for keeping ND a 'common sense' place to live.

Sincerely,
Travis Zabloutney
Minot, ND
701-721-2188
travis@magiccityimplement.com

HB 1442

Testimony of Pat S. Fricke, Bismarck

Pioneer Auto Club, President

I am opposed to HB 1442.

We automobile hobbyists take great pride in our vehicles and in most cases, the vehicles are more "road worthy" than when originally manufactured and certainly in better condition than the general population of vehicles on the road.

NDCC NDCC 39-21-45.1 presently applies to all vehicles (cars, trucks, buses, etc.) required to be registered in ND and operated on our highways.

The original bill was amended significantly by the House such that now the Engrossed bill basically does three things.

Page 1, line 9 makes a change in NDCC 39-21-45.1 to "registered gross weight of sixteen thousand pounds" such that all vehicles under this threshold would be subject to the stated limitations. NDCC 39-04-19 requires the owner of a pickup truck to "request the registered gross weight of the pickup truck be increased to ensure the registered gross weight is sufficient to include the total weight of the vehicle and any load transported on or by the vehicle." Consequently, a higher "registered" weight can be used and exempt the vehicle from NDCC 39-21-45.1. (If the weight threshold is amended to 8,000 pounds, I suggest you use "manufacturers shipping weight" as that is readily available for all new vehicles.)

Page 2, line 2 references the "national highway traffic safety administration" standards as the determining entity for "modifying equipment" compliance. Information provided to this committee by the national Historic Vehicle Association suggests this is not functional.

Page 2, lines 21 thru 26 call for a "Legislative management study." I believe this is unnecessary as, in my opinion, current law is ***not broke so bad that it needs fixing.***

I urge the Transportation Committee to recommend "Do not pass" on HB 1442 and the full Senate to kill this bill.

4

NDLA, S TRN

From: Schurkey [schurkey@v-drivemail.zzn.com]
To: Thursday, March 24, 2011 12:09 PM
Subject: NDLA, S TRN
Swanke testimony 1442

24 March 11
(39-21-45.1)

The bill as amended and passed by the House remains deeply flawed. The changes made to 1442 after public comment was received in the House Transportation committee do not fully address the problems with this legislation.

Today's testimony from the bill's authors provided sufficient reason to oppose 1442.

1. The bill prevents operation of a vehicle "with alterations or changes from the manufacturer's original design of the suspension, steering, or braking system of the motor vehicle." This wording is in DIRECT CONTRADICTION to other State law; and is in contradiction to the spoken testimony of the bill's authors, who claim that it was NOT their intent to prevent suspension, steering or brake upgrades to vehicles owned by enthusiasts. The language of the bill is very poorly crafted. A strict interpretation of this would make aftermarket replacement parts illegal, decimating the independent auto repair and parts business, and seems to be in contradiction to federal legislation (Magnuson-Moss act?)

There is no logical reason to limit vehicle lift to "four inches". The vehicles in question come from the factory at a variety of ride heights due to as-manufactured variations in optional equipment weight and spring capacity; this is going to be a nightmare to enforce.

3. There is no engineering support for limiting the diameter of tires; the recent trend of vehicle engineering has been to increase the size of wheels and tires. Arbitrarily limiting tire size makes as much sense as arbitrarily declaring whitewalls illegal.

4. The citizens of North Dakota will be required to meet standards that DO NOT EXIST, and therefore are at the whim of Government according to section "e", burden of proof is on the citizen--which in itself is unethical. Burden of proof should always be on the State in order to prevent abusive enforcement. "Presumed innocent until proven guilty"

5. Police and other emergency responders should not be above the law, as provided in section "f". While this is proof positive that suspension, steering, and brake modifications can serve a valuable purpose, when laws are enforced against only a portion of the population, there is a strong potential for abuse.

This legislation is poorly crafted, restricts activities the authors claim to support, contradicts existing law, will cause confusion in the courts. There are no standards in existence that a citizen can use to defend themselves against this law. In general, this bill seeks to resolve problems that do not exist.

Please DO NOT support 1442 in it's current form. There is a pressing need to revise existing statute, but the citizens of ND deserve a full solution, not a half-hearted attempt to resolve the problems existing in state law.

Don Schurkey Swanke
1506 S. 15th St.

Available upon request

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