

Testimony in Support of HB 1141
Senate Transportation Committee – March 3, 2023
Gene LaDoucer, AAA-The Auto Club Group

Good morning, Chairman Clemens and members of the committee. My name is Gene LaDoucer, and I represent AAA-The Auto Club Group.

AAA fully supports House Bill 1141, which requires drivers approaching a disabled vehicle displaying hazard warning lights to make a lane change into an available lane not immediately adjacent to the disabled vehicle, or to slow to a reasonable and prudent speed that is safe for conditions.

Whether there is a police officer, fireman, tow truck driver or motorist with a disabled vehicle on the side of the highway, AAA implores motorists to slow down and, if safe to do so, change lanes to create safe space. Unfortunately, the way the current law is written, motorists may find it difficult to distinguish between nuances of the law as they travel at interstate speeds.

In fact, at AAA we often hear from motorists who say they are either unaware of state laws that require them to slow down and move over for emergency vehicles or that they are uncertain which groups or types of vehicles apply. A AAA survey of North Dakota drivers conducted last fall found that 36% of respondents were ‘unsure’ or thought there was ‘no’ Move Over law in the state.

The confusion may be found in the law itself. Currently there are 56 lines in the North Dakota Century Code dedicated to defining an “authorized emergency vehicle.” There is no definition for a highway maintenance vehicle. Instead, the law states, “a driver shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway wherever such vehicle displays flashing lights.” At what point will a driver traveling at 75 mph determine whether or not a stationary vehicle ahead is covered by the law?

There is no question that being on the side of a highway is dangerous for everyone:

- Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle.
- In 2019, across the country, 44 emergency responders who were working at the roadway were struck and killed, including 18 law enforcement officers, 14 tow truck operators, 3 mobile mechanics, and 9 firefighters and EMS personnel.
- According to the Centers for Disease Control and Prevention, the towing industry is 15 times deadlier than all other private industries combined. On average, a tow truck driver is killed every other week in the United States while assisting stranded motorists.
- North Dakota tow contractors have reported numerous near missies or had their vehicles struck while rendering assistance to stranded motorists.
- In North Dakota, an average of one stationary vehicle is struck each month along the state’s interstate or multi-lane highways (2017-2021).
- The North Dakota Highway Patrol records on average of 2,980 motorists assists each year along the state’s interstate and multi-lane highways (2017-2021).
- Twelve (12) NDHP vehicles have been struck along the state’s highways since 2016.

While most drivers do move over a lane or slow down for disabled vehicles, not all do. Last fall's AAA survey also found that about one in every 10 North Dakota drivers "never", "rarely" or only "sometimes" abide by that unwritten rule. When it comes to emergency vehicles already covered by the law, the North Dakota Highway Patrol reports they have cited more than 1,600 drivers between 2017 and 2022 for not providing emergency responders the room necessary to perform their duties safely. They issued warnings to an additional 500 drivers.

The underlying purpose of HB 1141 is to put the unwritten rule into writing. Doing so makes the law clearer; education efforts become much easier; enforcement is straight forward; and the safety of all road users is improved – including emergency and road maintenance workers both on and off duty.

Several states have extended Move Over protections to include motorists with disabled vehicles at the roadside, including: Arizona, Connecticut, Illinois, Iowa, Oklahoma, Oregon, Pennsylvania, and Tennessee. Passing HB 1141 would make our state a national leader in roadside safety.

Mr. Chairman, and members of the committee, on behalf of AAA-The Auto Club Group and our more than 70,000 members in North Dakota, I urge a "Do Pass" recommendation on HB 1141.

AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.



Please SUPPORT “Move Over or Slow Down for Stationary Vehicles”

HB 1141

The Challenge

Law enforcement officers, firefighters, emergency medical personnel, road crews and tow operators conduct valuable and often life-saving operations at the roadside that keep North Dakotans safe and ensure the steady flow of commerce on our roadways.

This work is inherently dangerous. In fact, per the Centers for Disease Control and Prevention, the towing industry is 15 times deadlier than all other private industries combined. In 2019, across the country, 44 emergency responders who were working at the roadway were struck and killed, including 18 law enforcement officers, 14 tow truck operators, 3 mobile mechanics, and 9 firefighters and EMS personnel.

While North Dakota has a strong Slow Down, Move Over statute that attempts to protect these workers, 36% of the motoring public is unaware of the law. What’s more, as currently written, North Dakota law only applies to authorized emergency vehicles or vehicles used for maintaining the state highway system when displaying a flashing, revolving, or rotating amber, blue, white, or red light. **It does not apply to commercial motor carriers, public utility workers, buses or any other vehicle disabled on the side of the highway, including officers or highway workers traveling in a personal vehicle. In effect, the current law protects vehicles, not the driver or passenger of the vehicles.**

The Opportunity

We have an opportunity to **protect all motorists** while streamlining North Dakota’s Slow Down, Move Over law, thereby increasing understanding, simplifying enforcement, and lending greater protection to first responders. While it’s true that most drivers do move over a lane or slow down for disabled vehicles, not all do. An online survey conducted by AAA last year found that **about one in every 10 North Dakota drivers never, rarely or only sometimes abide** by that unwritten rule. Putting the unwritten rule into law will help with education and enforcement efforts and benefit all road users.

HB 141 would **protect all North Dakotans** by extending existing Slow Down, Move Over protections to *any* disabled vehicle, with flashers on, at the roadside. That’s important: **Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle** – in part because only 9 states currently protect drivers in this common situation. North Dakota is not yet one of them. From 2017-2021, an average of 1 vehicle is struck per month while sitting stationary along an interstate or multi-lane highway in North Dakota.

While North Dakota has a robust Slow Down, Move Over law as it applies to emergency vehicles, **all North Dakotans deserve protection** – and this bill, combined with existing laws, would make our state a *national leader* on roadside safety.

If signed into law, AAA is committed to an extensive, statewide public education campaign to inform North Dakota drivers about this bill’s important new protections – and how easy it is to protect lives by abiding by this straightforward law.

If you have any questions, please contact Gene LaDoucer at 701-367-9257.