

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1175

2001 HOUSE TRANSPORTATION

HB 1175

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1175

House Transportation Committee

Conference Committee

Hearing Date January 19, 2001

Tape Number	Side A	Side B	Meter #
1	X		1
		X	428
Committee Clerk Signature <i>Laura R. Jurek</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1175; A BILL for an Act to amend and reenact section 39-06.2-01, subdivision b of subsection 2 of section 39-06.2-09, and section 39-06.2-10 of the North Dakota Century Code, relating to driving a commercial motor vehicle; and to provide a penalty.

Keith C. Magnusson, Office of Driver and Vehicle Services, North Dakota Department of Transportation explained and testified in support of HB 1175, DOT sponsored bill. A copy of his written testimony is attached.

Rep. Jensen: I didn't quite catch the correction you were talking about.

Keith Magnusson: On page 3 line 26, after the first coma insert the word "failing" so that the section would begin "For all drivers, failing to have sufficient space to drive"

Rep. Thoreson: (653) With the addition of restriction "S- authorizes driving a school buss" -- is that going to be a part of the federal code? Or is that something the department felt was needed?

Keith Magnusson: That is part of the Motor Carriers Safety Improvement Act of 1999. We wouldn't have to act on this until another session. We felt that it was straight forward and based on our experience we thought it was something good to have. They are suppose to test in a school buss, but sometimes we wonder if they are really up to it.

Rep. Thoreson: I am sure that some of our rural school districts out there who are going to get some heart burn over this because they will be having trouble to get somebody qualified. Maybe this will make them more cognizant of their drivers licenses. I am torn betwixt and between on that.

Keith Magnusson: I am going to ask Cindy Worrel to talk about this as she is more knowledgeable on the procedures and she can tell of her experiences..

Cindy Worrel: I am Chief Examiner -- currently in North Dakota have a "P" endorsement: that is a passenger buss endorsement -- what that means I could take a driving test in a transit buss or maybe a city buss and take that P- endorsement and that would authorize me to drive a school buss. This (bill) would require me to take my drivers test in a school buss and road test in it.

Rep. Thoreson: (832) This reminds of taking a test to drive a motoreycle and bringing in a little dirt bike which is easy to handle instead of bringing my Harley to get my motor eyele license.

Cindy Worrel: That is a very apt description.

Rep. Weisz - Chairman (859) Would you define a different written test also?

Cindy Worrell: At this time, no as there is no provision for a written test other than the one we are now using. It does have school buss questions in it. What will happen down the road, we don't know.

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House Transportation Committee
Bill/Resolution Number HB 1175
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Rep. Mahoney: (968) Are these requirements minimums - for example item 6 sub 6 on page 3 uses the language " failing to negotiate a crossing because of insufficient underearriage clearance"; that seems to me to be some strange language?

Keith Magnusson: This is word for word out of the federal law and they haven't had much teeth in these things.

LeRoy Ernst, Executive Director of the North Dakota Motor Carriers Association appeared basically as a "neutral" on this bill. He left a copy of the Federal Motor Carrier Safety Regulations as basic information for the committee. It was from this document that he pointed out some of the safety items his organization initiated, sponsored and later became laws. He spoke of such things as anti-lock brakes for trucks, CDL's, random drug testing and ban on radar detectors. The issue of safety is very much a concern of theirs.

Rep. Weisz - Chairman (1400) There being no further testimony for or against HB 1175, the hearing for testimony on HB 1175 was closed.

Discussion followed. Tape 1 Side B (428)

Rep. Hawken: I move to amend this bill by adding the word "failing" in line 26 on page 3 just after the first comma.

Rep. Kelseh: I second the motion to amend.

The motion carried on a voice vote.

Rep. Jensen: I move a 'Do Pass as amended'.

Rep. Schmidt: I second the motion.

Roll Call Vote: 12 yeas 0 nays 2 absent

Rep. Dosch was designated to carry HB 1175 on the floor.

18253.0101
Title.0200

Adopted by the Transportation Committee
January 19, 2001

VK
1/19/01

House Amendments to HB 1175

Htrn 1-22-01

Page 3, line 26, after the comma insert "falling"

Renumber accordingly

Date: January 19, 2001
 Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1175

House Transportation Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Jensen Seconded By Rep. Schmidt

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney	✓	
Al Carlson	✓		Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price	A				
Dan Ruby	A				
Laurel Thoreson	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Dosch

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

REPORT OF STANDING COMMITTEE (410)
January 22, 2001 10:26 a.m.

Module No: HR-10-1364
Carrier: Dosch
Insert LC: 18253.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1175, as amended, Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 3, line 26, after the comma insert "falling"

Renumber accordingly

2001 SENATE TRANSPORTATION

HB 1175

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1175

Senate Transportation Committee

Conference Committee

Hearing Date 3-9-01

Tape Number	Side A	Side B	Meter #
1	x		6.1-21.2
1		x	16.4-18.1
Committee Clerk Signature <i>Suzette Schaefer</i>			

Minutes: **HB 1175** relates to driving a commercial motor vehicle; and to provide a penalty.

Keith Magnusson: (Director of Driver and Vehicle Services; Supports) See attached testimony.

Senator Stenehjem: If I'm a private person and want to get into the school bus business, how am I supposed to take the school bus test? Where do you rent the school bus?

Syndi Wurrel: (Chief Examiner of ND; Supports) Right now to drive a school bus you have to take the knowledge test with a "P" endorsement and that gets you a permit. Then it's up to the driver to find the bus. The way the law is now, is that I could have the bus permit, but I could bring in like a senior citizen bus and earn that "P" endorsement. Once I've earned that, I could turn around and drive a school bus. What this bill would do is that if you want to drive a school bus, you would have to bring in a school bus for the driving test.

Senator Espgaard: How would the school bus be different than a CDL or a regular driver's license?

Syndi Werrul: This is a unique test. We go through a series of loading and unloading activation of amber lights, vehicle put in park and a final check made before the doors are opened, and a full stop between 15-50 feet prior to RR crossing. Alarmingly, the RR crossing criteria is what most drivers are failing at. This is probably the most technical test that the examiner gives because of it's uniqueness.

Senator Espegard: Is it typical that the school district's bus is used and more than one driver comes in at a time?

Syndi Werrul: Yes. What we would like to do is that anyone who has a "P" endorsement now, move it over to the school bus endorsement. The majority of them did test on the school bus anyway. All we want is for them to do now is to bring a school bus in for the test.

Keith Magnusson: There have been some terrible school bus accidents recently and that is why the Feds are getting involved. The drivers are not fully qualified to drive buses.

Leroy Ernst: (Motor Carrier's Association; Lobbyist #18; Supports) In support. There is a little mandate being dictated here. There is also the liability issue.

Senator Stenchjem: The only change that I see between the introduced and engrossed version is that they failed to put in "failing", correct?

Keith Magnusson: That is correct Mr. Chairman.

Hearing closed.

Committee reopened on HB 1175 on 3-9-01.

Senator Espegard motions to Do Pass. Seconded by Senator Mutch. Roll call taken. 5-0-1. Floor carrier is Senator Espegard.

Committee closed.

C

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T.

REPORT OF STANDING COMMITTEE (410)
March 9, 2001 11:32 a.m.

Module No: SR-41-5204
Carrier: Espegard
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1175, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1175 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

HB 1175

HOUSE TRANSPORTATION COMMITTEE

January 19, 2001

North Dakota Department of Transportation
Keith C. Magnusson, Office of Driver and Vehicle Services

HB 1175

The North Dakota Department of Transportation profiled HB 1175 as an agency bill. All of the provisions in this bill relate to driving a commercial motor vehicle.

SECTION 1 makes it clear that North Dakota is beginning to implement the Motor Carrier Safety Improvement Act of 1999. This recent federal initiative was intended to get at the heart of problems with commercial motor vehicle drivers across the country. Mandatory compliance will be some time late in 2003, after the next legislative session. Because of that, and the need to wait for regulations to see just what is required, we are putting forth only the amendment found in Section 2, which is quite straightforward. All other changes will wait until the next legislative session. As with most federal mandates, there will be highway funding sanctions for state noncompliance with the act and—probably more important—the federal agencies can refuse to recognize our commercial driver's license.

SECTION 2 adds to the endorsements available on a commercial driver's license an "S" that authorizes driving a school bus. Besides being required under the Motor Carrier Safety Improvement Act of 1999, it is quite straightforward and can be of benefit to those who want to drive a school bus and no other commercial vehicle. This section addresses, through testing, the unique knowledge required for school bus safety.

SECTION 3 adds railroad-highway grade crossing violations as a commercial driver's license (CDL) disqualification. The provisions you see in this bill draft are the minimum required under federal law. The compliance deadline is October 4, 2002. This has been a significant problem across the country and the penalties for failure to comply with the federal law reflect how serious federal agencies are about correcting this behavior. The first year of noncompliance calls for withholding five percent (about \$5.7 million) of specified federal highway funds and ten percent (about \$11.5 million) the second year and thereafter. This is a withholding and not a transfer to safety as we have seen with some mandates. In addition, the federal government could refuse to certify our commercial driver's license.

SENATE TRANSPORTATION COMMITTEE

March 9, 2001

**North Dakota Department of Transportation
Keith C. Magnusson, Office of Driver and Vehicle Services**

HB 1175

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