MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

2390

2001 SENATE TRANSPORTATION

SB 2390

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2390

Senate Transportation Committee

☐ **Conference Committee**

Hearing Date 2-9-01;2-15-01

Tape Number		Side A	Side B	Meter #
	1	x		0.0- 15.2
2-15-01	2	x		7.3-10.7
Committee Clerk Signature				

Minutes: SB 2390 relates to passing an authorized emergency vehicle.

John Olson: (ND State's Attorneys; ND Peace Officers Association; Supports) States dangerous conditions are being caused by passing motorists for law enforcement and emergency instances. One concern with bill is on page 1, line 20. Need to put "amber" in there also, so an amendment is needed. He states an example where he had a chance to see the differences of awareness and reactions of citizens involving flashing lights. This is a safety issue.

Senator Trenbeath: What's the penalty?

John Olson: I don't know.

Senator Stenehjem: If you amend for "amber" (lights), do you have to pull over for wrecker and construction, etc?

John Olson: You don't have to pull over, just move over. It's for your own safety

Senator Espegard: What's the difference between section 1 and section 2?

John Olson: Section 1 is meeting oncoming emergency vehicles. Section 2 deals with parked or stopped emergency vehicles.

Lois Hartman: (ND Firefighter's Association; Lobbyist 449; Supports) States there have been a number of cases where firefighters and EMT's have been killed alongside highways.

Keith Sorenson: (ND EMS Association; Supports) This is an important issue. There have been a number of cases where drivers almost took him out. This is a very good bill.

Senator Stenehjem: How does this affect the Expressway or any multilane road?

John Olson: Definition of highway and roadway includes all streets, highways, even in mobile home courts.

Senator Stenehjem: The wordage " police officer" in bill may need to be changed.

Senator O'Connell: I've been in these situations and it's dangerous out there. I've seen ambulance personnel directing traffic.

Senator Trenbeath: What concerns me is all the qualifiers in this bill.

John Olson: The reason for this provision is to announce policy, it's not a provision where law enforcement will seek out to convict.

Senator Stenehjem: I see what you're trying to get at. Maybe we should have a section added for multilane rural roads.

John Olson: That's certainly within your prerogative but I personally feel like this proposed bill works anywhere.

Hearing closed.

Committee reopened on 2-15-01.

Proposed amendments distributed. Senator Espegard motions to accept proposed amendment. Seconded by Senator Mutch. Roll call taken. 6-0-0. Senator Espegard moves to Do Pass as

amended. Senator O'Connell seconded. Roll Call taken. 6-0-0. Floor carrier is Senator O'Connell.

Committee closed.

10778.0101
Title.

Prepared by the Legislative Council staff for
Senator Stenehjem
February 15, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2390

Page 1, line 19, after "an" insert "authorized"

Page 1, line 20, after "highway" insert "outside the limits of a city unless the highway is part of the interstate system" and after "rotating" insert "amber,"

Renumber accordingly

Date: 2-15
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2390

Senate **Transportation** Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 10778.0101

Action Taken Move the Amendment

Motion Made By Espegaard Seconded By Mutch

	Senators	Yes	No	Senators	Yes	No
1	Senator Stenehjem, Chairman	X		Senator Bercier 6	X	
2	Senator Trenbeath, Vice-Chair	X		Senator O'Connell 5	X	
4	Senator Espegaard	X				
3	Senator Mutch	X				

Total (Yes) 6 **No** 0

Absent 0

Floor Assignment _____

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

Date: 2-15
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2390

Senate **Transportation** Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number 10778.0101

Action Taken Do Pass as Amended

Motion Made By Espegaard Seconded By O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Stenehjem, Chairman	X		Senator O'Connell	X	
Senator Trenbeath, Vice-Chair	X		Senator Bercier	X	
Senator Mutch	X				
Senator Espegard	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment O'Connell

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

REPORT OF STANDING COMMITTEE

SB 2390: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2390 was placed on the Sixth order on the calendar.

Page 1, line 19, after "an" insert "authorized"

Page 1, line 20, after "highway" insert "outside the limits of a city unless the highway is part of the interstate system.", after "and" insert "the authorized emergency vehicle", and after "rotating" insert "amber."

Renumber accordingly

2001 HOUSE TRANSPORTATION

SB 2390

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2390

House Transportation Committee

☐ Conference Committee

Hearing Date March 9, 2001

Tape Number	Side A	Side B	Meter #
1		x	1,997
Committee Clerk Signature			

Minutes: Rep. Weisz - Chairman opened the hearing on SB 2390 as engrossed; A BILL for an Act to amend and reenact section 39-10-26 of the North Dakota Century Code, relating to passing an authorized emergency vehicle.

Sen. Tallackson: I represent District 16 of Grafton. North Dakota. This bill was introduced for the safety of our peace officers -- it involves when an emergency vehicle stops and -- it was amended in the senate to leave out the cities, so it is just the highways -- when an emergency vehicle is stop if it a two lane road -- four lanes actually -- two weeks each way the law requires you to move over to the lane with all the possible care you can -- it for the safety of the officers. I know of officers who have been struck because the car didn't move over. So that's what this bill is -- we have other people to testify on this.

John Olson: I represent the North Dakota Peace Officers Association and the North Dakota states Attorneys who support the bill.

Rep. Weisz - Chairman (2168) Does this include -- If the highway patrol has stopped somebody for speeding on the side of the road -- would all vehicles have to stop?

John Olson: No, I don't believe that the vehicles have to stop but they can proceed with caution. There was an amendment put in the senate which also added 'amber' to the lights. As you probably know, when the highway patrolman have somebody stopped for speeding they switch from red or blue to amber.

Major John Grasl: I am from the North Dakota Highway Patrol. We are in support of this bill. A little over a year ago we had an officer struck . He was from the Fargo area. He was struck because a vehicle did not move over for an amber light as is alluded to in this bill. He has yet to return to work. Every year we have several of our vehicles struck while either checking traffic accidents or traffic stops. I believe by enacting this bill requiring motorists of the Interstate and four lanes to pull into the other lanes would be a good safety feature law enforcement in this state.

Rep. Weisz - Chairman (2340) This includes the Interstate Highways ?

Major Grasl: Yes sir because the traffic is moving in the same direction -- even if we had one stopped they can move to the other lane -- even if it were one the inside lane they would be required to move to the outside lane because some accidents do occur in the medians.

Rep. Hawken: (2364) It has been a few years since I have taken highway safety -- on the interstate, if there is an emergency coming toward you are you required to do anything if you are in the other lane?

Major Grasl: No, if you are -- say if we have someone stopped in the eastbound lane and you are in the west bound lane - - no there is no requirement for you to take any action.

Rep. Hawken: (2410) On a two lane then -- what your response be?

Major Grasl: On a two lane road -- with the amber lights activated -- just slow down and proceed with caution. Other states have similar legislation like this -- with the amber lights activated they have a speed limit which goes into effect -- in other words you must slow down to a certain speed and then proceed after that -- you do not have that in this bill.

Rep. Hawken: (2461) One more -- so now you are going down the highway and an emergency Comes up behind you -- is it like in town -- you pull over and stop.

Major Grasl: If the red lights are activated which is pursuing -- which they normally wouldn't be pursuing --(they would be - -Rep. Hawken) -- then you are required to pull to the right and stop until the vehicle passes.

Rep. Thoreson: (2510) When you stop a person -- like on the Interstate - - why don't you have Them proceed to an approach and pull off rather than have them stop on the roadway and deal with the problem there?

Major Grasl: Are you referring to the median side on a cross over? Or near an interchange--(yes --Rep. Thoreson) -- where they could get off safely? In most cases we do instruct our officers to move those vehicles off the roadway to a safe place--but it doesn't necessarily happen at all times because of circumstances in the vehicle at the time -- it depends on what the vehicle was stopped for -- if you have a driver suspected to be under the influence -- it would not be prudent to let the driver proceed down the road in an unsafe manner to an exit or anywhere else.

Rep. Ruby: (2642) If you have some pulled over for speeding and you have the lights and somebody in the other lane didn't comply -- how would you expect to catch up them?

Major Grasl: Without the law -- currently in existence -- I believe that Indiana that currently has that law -- the enforcement of that is really questionable how we would do that -- if we get a plate number off that vehicle and go after that vehicle once we are done with the traffic stop -- or if at the right time when we work radar in groups we could call ahead or if we had aircraft working then they would take care of it.

Rep. Weisz - Chairman there being one else wishing to appear for or against the hearing is closed for receiving further testimony. (2753).

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2390 B

House Transportation Committee

☐ Conference Committee

Hearing Date March 9, 2001

Tape Number	Side A	Side B	Meter #
2	x		56
Committee Clerk Signature	Lawrence Ford		

Minutes: Rep. Weisz - Chairman opened the discussion for action on SB 2390:

Following discussion Rep. Hawken moved a 'Do Pass' for SB 2390.

Rep. Jensen: I second the motion.

On a roll call vote the motion carried: 10 yeas 3 nays 1 absent

Rep. Hawken was designated to carry SB 2390 on the floor.

Date: 3/9
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2390

House Transportation Committee

☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Rep. Hawken Seconded By Rep. Jensen

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	A	A			
Clara Sue Price	✓				
Dan Ruby		✓			
Laurel Thoreson	✓				

Total (Yes) 10 No 3

Absent 1

Floor Assignment Rep. Hawken

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

REPORT OF STANDING COMMITTEE

SB 2390, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2390 was placed on the Fourteenth order on the calendar.

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