

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1254

2007 HOUSE TRANSPORTATION

HB 1254

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1254

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-25-2007

Recorder Job Number: 1889

Committee Clerk Signature

Jean M Thomas

Minutes:

Chairman Weisz opened the hearing on HB 1254. All Representatives were present.

HB 1254 relates to secondary enforcement of safety belt requirements.

Rep. Gruchalla introduced the bill.

Rep. Gruchalla: I am involved in this because of my background in law enforcement. I always think if I'm going to buy a car, I will talk to the mechanic and find out what's a good car. In this case, I think the people of North Dakota should listen to the people that are involved in this type of thing. The people that are going to speak today have been involved in crash situations. The ER people etc. We have some prospective that a lot of people don't have. I would like to tell people that if you went through what I went through, you would be in favor of this bill also. You have a one in eighty-eight chance of getting killed in a car accident, statistically. Medical costs are skyrocketing and the federal government will give money for passing this law.

Rep. Ruby: As you said, this is a good idea and I said its good idea to be buckled up and you want to put a law in that we protect the safety, but my concern is, where do we stop there? It's the same concern I have with the smoking ban because it seems to go to more and more places and pretty soon outdoors, where would this go? Of course it's going to be safer if you

are buckled up and you could hit your head, pretty soon, should you wear a helmet when you are in a car?

Rep. Gruchalla: Fortunately, in this case, we have other jurisdictions to look at and see what is happening. Several states have had this for five or ten years and it hasn't been a problem. What they have noticed is that the injury rate in accidents has gone down. For that reason, I think it's time to pass this law.

Rep. Owens spoke in support of the bill.

Rep. Owens: I am interested in this bill not from the standpoint of the seatbelts themselves, but from what it would allow law enforcement to do in relationship to DUI. That represents between forty and fifty percent of the deaths in North Dakota every year. From that standpoint, someone is going to drive drunk, doesn't normally think about wearing their seatbelt. They are lucky to find their keys in some cases. They get in the car, drive down the road and if this is a primary law, they can get pulled over for that and possibly prevent them from harming someone else. Another reason for the seatbelts is that before last session, I am driving my son's car home from work and I pulled over into the next lane, when someone cut me off and rearranged my bumper. She was wearing a seatbelt, which was good for her, because she hit me at about twenty miles an hour by the time she slowed down and her airbags never went off. So to rely on airbags solely, I think is a mistake.

Carol Meidinger, North Dakota Seat Belt Task Force, spoke in support of the bill. See attached written testimony.

Rep. Delmore: Do you have any statistics of other states including the difference in those with a primary enforcement and those without?

Meidinger: The data show that with states that have the primary enforcement, that usage goes up anywhere from ten to fifteen percent, depending on the state.

Rep. Ruby: I applaud your efforts. The only frustration I have had with "Click it or Ticket" is that it seems to imply that we already have a primary seatbelt law because it pretty much is a threat, and of course you can't get pulled over unless it is for some other reason. Seventy-nine percent almost seemed unachievable five years ago and why aren't you encouraging more of that as well?

Meidinger: The one thing that the task force looked at and had the DOT look at the cost of the educational campaign and they have spent literally millions of dollars on the campaigns over the years.

Rep. Kelsch: Is someone going to get into more detail on the 5.1 million dollar grant?

Meidinger: I believe someone from the department can speak to that.

Rep. Vigesaa: Do you have a breakdown of stats of seatbelt use in rural vs. urban areas?

Meidinger: I think someone from the Hwy Patrol can answer that.

Carma Hanson, Safe Kids Grand Forks and Altru Health System, spoke in support of the bill. See written testimony.

Gene LaDoucer, Triple A of North Dakota, spoke in support of the bill. See written attached testimony.

Sandy Updahl, North Dakota Nurses Association, spoke in support of the bill.

Updahl: I am a registered nurse and have sadly witnessed the tragedy of one of these accidents. My niece in Texas was surprised to hear that we don't already have a law in place for this. I hope when you ponder this bill, you do what is right for the citizens of North Dakota.

Dr. Todd Twogood, North Dakota Chapter of the American Academy of Pediatrics, spoke in support of the bill. See written testimony.

Col. Bryan Klipfel, North Dakota Highway Patrol, spoke in support of the bill. See written testimony.

Rep. Dosch: How many tickets does the highway patrol issue per year?

Col. Klipfel: About sixty thousand per year, approximately.

Rep. Dosch: In your estimation, will this increase if the law is enforced as primary?

Col. Klipfel: Our troopers have issued over ten thousand citations for seatbelt violations also. We have aggressively enforced that also.

Rep. Dosch: When you come up on a motor vehicle accident, is it fairly easy to tell if the victim was wearing their seatbelt?

Col. Klipfel: Normally, if we don't know, we put unknown down. Injuries and witness help with that.

Mary Scott, North Dakota Emergency Nurses Association, spoke in support of the bill. See written testimony.

Joel Gilbertson, Auto Manufacturers Association, stated for the record, that the association supports the bill.

Pat Ward, State Farm Insurance, spoke in support of the bill.

Ward: Wearing seatbelts can cause fewer fatalities and thus cause lower premiums for insurance clients because of lower claims.

Rep. Ruby: A few years ago, seatbelts had a flaw in them where a family was told that their daughter wasn't wearing the seatbelt and then they found out there was a flaw in it that the hip hit the back of this, has this been corrected?

Ward: I don't know.

Marilyn Simmons, representing herself, spoke in support of the bill.

Simmons: I am the mom of a sixteen year old that was saved by the belt. I would support this bill.

Chairman Weisz allowed opposition to this bill at this time.

Ralph Muecke, on behalf of himself, spoke in opposition to the bill. See written testimony.

There were no questions from the committee.

Brad Manz, spoke in opposition to the bill. See written testimony.

There were no questions from the committee.

Dwayne Wahl, representing himself, spoke in opposition to the bill.

Wahl: This is costing me money to be here. I have a five thousand dollar Ag Show going on in Minot, but I drove here because of my rights. There is a big cloud over the real issue here.

Everybody that has come up to talk about why we should have seatbelts that is not the issue. It is the freedom that this other gentleman talked about. I will briefly go through that. Federal Highway funding for the highway. That is putting a price tag on our personal freedoms. A

lobbyist got into trouble for doing favors. What is different from that vs. the federal government blackmailing and threatening this money if we don't do what they want. Unfortunately, that is looked at differently. I don't think that our rights should be for sale. Where do we stop with this?

If you talk about the insurance side of it, I've been in business for twenty two years. My insurance bill is twenty three thousand dollars a year with a five thousand dollar deductible.

There were no questions from the committee.

Loren Campbell, representing himself, spoke in opposition to the bill.

Campbell: I think that seatbelt usage should be a choice. We are not wards of the state.

Robert Behm, Past President of Power Fuels, spoke in opposition to the bill.

Behm: I had a truck driver get in an accident and he would have been dead if he would have had his seatbelt on.

There were no questions from the committee.

There was no more opposition to the bill. Chairman Weisz closed the hearing on HB 1254. No action was taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1254

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-02-2007

Recorder Job Number: 2694

Committee Clerk Signature

Lisa M Thomas

Minutes:

Chairman Weisz allowed committee discussion on HB 1254. All Representatives were present. HB 1254 relates to secondary enforcement of safety belt requirements.

Rep. Weisz: Did everyone get the handout that Rep. Gruchalla passed out? We all know what the bill does, so we will entertain a motion and open it up for discussion.

Rep. Owens moved a DO PASS. Rep. Thorpe seconded.

Rep. Gruchalla: I would like to just point out that the flyer that came out, was a good piece of information and Illinois figured that the first year, they had one hundred and fifteen fewer people killed because of the primary seat belt law. One of the handouts that we received said that North Dakota will save roughly ten people if we pass this. I think that show that this study they did compare with the data that the DOT had here.

Rep. Weisz: We currently have no loss of federal funds. There is a program of a one time deal where if you pass the primary enforcement or your state reaches eighty five percent seat belt compliance, they are eligible for a one time grant of 5.1 million dollars, if either one of those occur. North Dakota will be at eighty-five percent without the primary law.

Rep. Kelsch: It's like a million dollars is used for safety and education and the rest can be used for putting in stop signs and stop lights and some of those things, but it can't go to roads.

Rep. Kelsch: It can go to widening a turn lane and rumble strips.

Rep. Weisz: Every time I talk to DOT they are grumbling that they are having trouble spending the money. Again, we won't lose any money.

Rep. Ruby: To me, I just see this, it was voted down by the people over and over, and they didn't want it. Then there was an agreement, well, let's just get the secondary enforcement to make sure we don't lose the funding that was attached to it at that time and previous law makers at that time said they were promised that the secondary enforcement would be all they would ever come in for and I just don't see the societal damage of people driving around without a seatbelt on. It makes good sense and that is fine, but it makes good sense to wear a helmet on a motorcycle, and a bike, but I just don't like the idea that we are putting in law and making it penalty for all of these little safety things that don't always affect other people. We are going to erode people of all things they do that are unsafe for them.

Rep. Owens: I appreciate his point of view, but particularly on going to the voters, but the last time we went to the voters was 1994. It's been thirteen years, are we assuming that people don't ever change their mind? It's more like a symptom the way I view it. I am viewing this as a tool to be able to pull people over for DUI's. I am hoping that allowing them to stop them for a seatbelt is going to increase that.

Rep. Ruby: If we are going to use one aspect of driving to enforce another, I think that is the wrong way to look at it. If we are going to do that, then why wouldn't require the breath air lock on every vehicle. Where are you going to stop?

The question was called.

Roll call vote: 6 yes. 7 no. 0 absent.

Motion failed.

Rep. Ruby moved a DO NOT PASS. Rep. Sukut seconded.

Roll call vote: 7 yes. 6 no. 0 absent.

Carrier: Rep. Schmidt.

Date: 2-2-07
 Roll Call Vote #: 1254

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. _____

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Owens Seconded by Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz		✓	Rep. Delmore		✓
Vice Chairman Ruby		✓	Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch		✓	Rep. Schmidt		✓
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut		✓			
Rep. Vigesaa		✓			

Total Yes 10 No 7

Absent motion failed

Floor Assignment _____

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

Date: 2-2-07
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1254

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do NOT PASS

Motion Made By Ruby Seconded by Sukut

Representatives			Representatives		
	Yes	No		Yes	No
Chairman Weisz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla		✓
Rep. Dosch		✓	Rep. Myxter		✓
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens		✓	Rep. Thorpe		✓
Rep. Price		✓			
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 7 No 6

Absent _____

Floor Assignment motion carried / Rep. Schmidt

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

REPORT OF STANDING COMMITTEE (410)
February 2, 2007 12:07 p.m.

Module No: HR-23-1944
Carrier: Schmidt
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1254: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS
(7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the
Eleventh order on the calendar.

2007 TESTIMONY

HB 1254

Testimony in Support of HB 1254
House Transportation Committee
January 25, 2007
Carol Meidinger - ND Seat Belt Task Force

Good morning, Chairman Weisz and members of the committee. My name is Carol Meidinger and I am chair of the North Dakota Seat Belt Task Force. The Task Force includes representatives of health and safety organizations and individuals from throughout the state who are concerned about the number of people who die and are injured in motor vehicle crashes. Many of these deaths and injuries could have been prevented with the simple use of a seat belt.

The Task Force met in July of last year to discuss ways to increase the use of seat belts. We reviewed data on the number of deaths and injuries, types of crashes, and restraint use in crashes. We discussed current educational programs such as Click it or Ticket and Do Buckle, Don't Booze. We looked at what other states have done to increase seat belt use in their states. At the conclusion of the meeting, it was the consensus of the group that one of the most effective and least expensive ways to increase seat belt use would be to encourage lawmakers to amend the seat belt law to allow primary enforcement.

The Task Force looked at three specific benefits of a primary enforcement seat belt law:

1. Reduce deaths and injuries from motor vehicle crashes
2. Save dollars on healthcare and other costs associated with motor vehicle crashes
3. Bring federal funding to the state. North Dakota will receive a one-time grant of \$5.1 million by enacting primary enforcement seat belt legislation or attaining seat belt use of 85% for two consecutive years.

Seat belt use in North Dakota is currently at 79 percent. That has been achieved through education and enforcement of the current secondary law. Yet, about 70 percent of those killed in crashes are unrestrained. The question is: how do we convince the remaining 21 percent of the population (who appear to be those involved in fatal crashes) to buckle up. Unfortunately, there are some people who will buckle up only when they know they can be stopped and cited for a violation.

On behalf of the North Dakota Seat Belt Task Force, I would urge a Do Pass recommendation on HB 1254.

**Testimony
House Bill 1254
House Transportation Committee
Thursday – January 25, 2007
Safe Kids Grand Forks - Altru Health System**

Mr. Chairman and members of the House Transportation Committee, my name is Carma Hanson. I am a Registered Nurse and the Coordinator of Safe Kids Grand Forks. Our childhood injury prevention coalition is a community-wide group with Altru Health System as the lead agency. I also serve as a certified child passenger safety technician and coordinate much of the motor vehicle occupant work done within the Grand Forks community and surrounding areas. I am here today to testify in support of House Bill 1254.

Motor vehicle crashes are the leading cause of injury death to the citizens of North Dakota. In 2005, 123 people were killed and another 4,360 were injured in traffic crashes in the state. Of those that were killed, 70% of them were riding unrestrained. This is an alarming number of citizens from our state that are injured or killed each year.

I have long been active in the Grand Forks Republican Women and am currently serving as their president. I am not coming before you today to speak on behalf of that group as I don't believe that this issue should be one of Republican or Democratic politics. It is not about the desecration of any state or federally granted constitutional rights. Driving a vehicle in the state of North Dakota is NOT a right. It is a privilege granted to people who are deemed qualified to drive and who follow the rules of the road set forth by our laws. Wearing a seat belt is already a law in our state. However, it is the ONLY traffic violation that is a secondary enforcement.

Effective laws are ones that are proven to work and that have no loopholes. I am confident there are not many people that would argue with me that wearing a seat belt saves lives. I am not here to debate that issue. I do however contend that if we are going to have a law that requires seat belt use, there needs to be the opportunity for law enforcement to assure compliance with that law, just as they do with speeding, stopping at stop signs, using our turning signals and all other laws that keep us safe on our state's roads and highways.

We know that unbelted drivers have medical bills 50% higher than belted drivers and our society pays 74% of that cost. That means that for every resident in the state of North Dakota, it costs each of us \$452 per year to cover the costs from these victims. The "choice" to wear a seat belt or not, DOES affect other people. It affects the citizens that pay for the increased costs for insurance, the increased costs for medical care or the cost for emergency personnel to respond to crash scenes. It affects the lives of the trooper that has to ring the door bell of a loved one or the nurse or doctor who gives the news that a spouse, child, parent or

loved one has been lost to a crash that should have been survivable had a seat belt been worn.

This health care crisis should be viewed as a public health concern, not a political issue. The government regulates safety in many ways. Children are required to have vaccines before entering school, airlines require seat belt usage before take-off and landing, workplace safety standards are enforced on a routine basis and violators face very stiff fines and penalties. These are just a few of the rules put in place to assure the health and safety of our state's citizens. From a public health perspective, this bill should be viewed favorably in that it is proven effective in increasing the number of people using seat belts and it costs our state NO money to implement. There are not many laws that save lives, save money and cost nothing to implement.

It is with great hope that you will view this as a public health issue and support this legislation. Safe Kids Grand Forks and Altru Health System thank you for your support of House Bill 1254.

Carma Hanson, MS, RN
Coordinator – Safe Kids Grand Forks
C/O Altru Health System
chanson@altru.org
701-739-1591

Testimony in Support of HB 1254
House Transportation Committee January 25, 2007
Mary Scott, North Dakota Emergency Nurses Association

My name is Mary Scott. I am the president of the North Dakota Emergency Nurses Association. We are in support of this bill.

North Dakota can not afford to lose valuable members of our state through death and disability caused by motor vehicle crashes when they are so preventable. In health care we can not prevent deaths from cancer, heart disease or stroke but we know that seat belts are effective in reducing deaths and injuries in motor vehicle crashes.

A North Dakota Hospital Emergency Department did a study from 2001 and 2004 and found the following conclusions:

- Unrestrained motor vehicle crash patients were twice as likely to be severely injured than patients that were restrained.
- Unbelted patients had an injury severity score 60% higher than patients that were belted.
- 317% more unbuckled patients sought medical treatment than patients that were buckled up.

How does ND compare to other states? Twenty-five states have already passed primary seat belt laws in order to save lives, reduce injuries and control health care costs due to unnecessary injuries. In the 2006 ENA National Scorecard, North Dakota scored 4 out of 10 with the lack of a primary seat belt law being one of the factors. The 2007 Roadmap to Highway and Auto Safety report lists North Dakota as a "red" state in the danger zone also citing lack of a primary seat belt law as a factor.

North Dakota is blessed with excellent EMS personnel, nurses and physicians. Everyone works tirelessly to assist the trauma victim. With all of our experience and expertise in emergency care, we do not have the power that you the members of the legislature have to save lives. You can make a change in our law that could save 50% of those fatalities that occur each year and reduce the extent of injury to so many others.

On a personal level I have been an Emergency Nurse for 22 years. I have sat with grieving families that have lost a loved one in a motor vehicle accident. I have cleaned the bloody and battered face of patients that did not feel they needed to wear a seat belt because they were "only running a few errands in town." I do not need statistics to tell me something I have witnessed for the past 22 years. Seat belts save lives and decrease the severity of injury to patients in motor vehicle crashes. As a member of the Emergency Nurses Association we are committed to Injury Prevention. Please help us in our mission to keep the people of North Dakota safe by voting in support of this bill.

HB 1254

Submitted by

Colonel Bryan Klipfel, Superintendent - NDHP

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

The primary goal of the Highway Patrol is "Public Safety on the Highway."

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

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

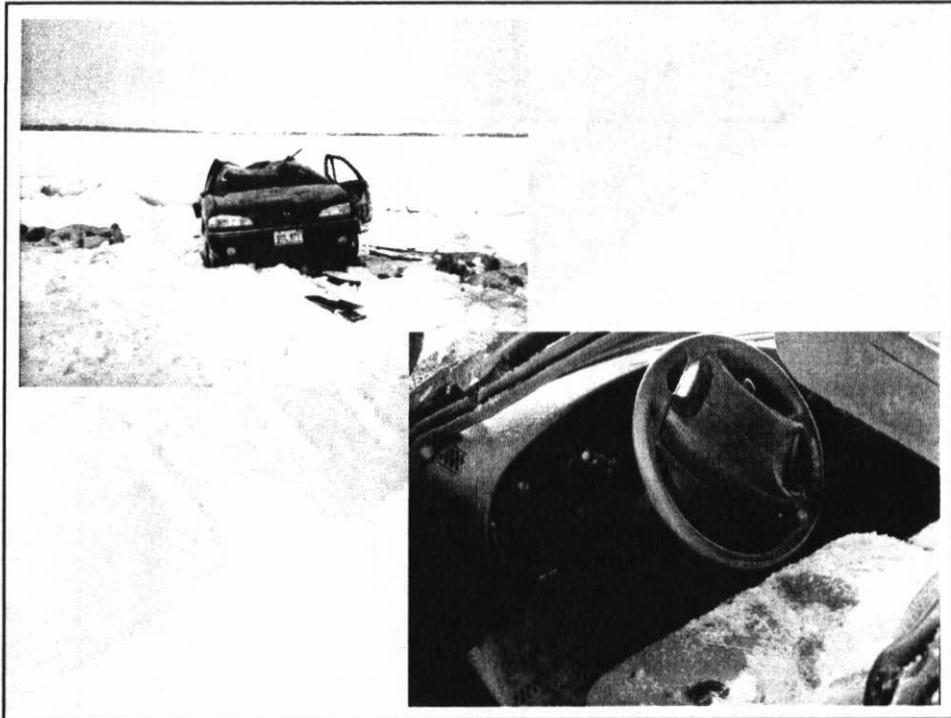
- One vehicle rollover
- 1 fatality
- Safety belt not worn; ejected

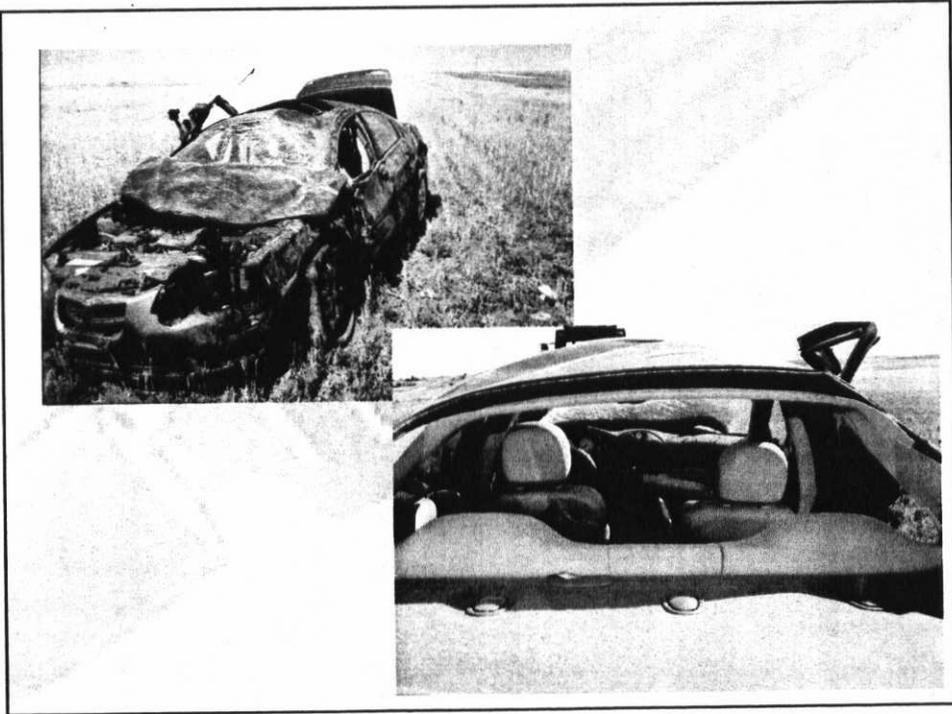
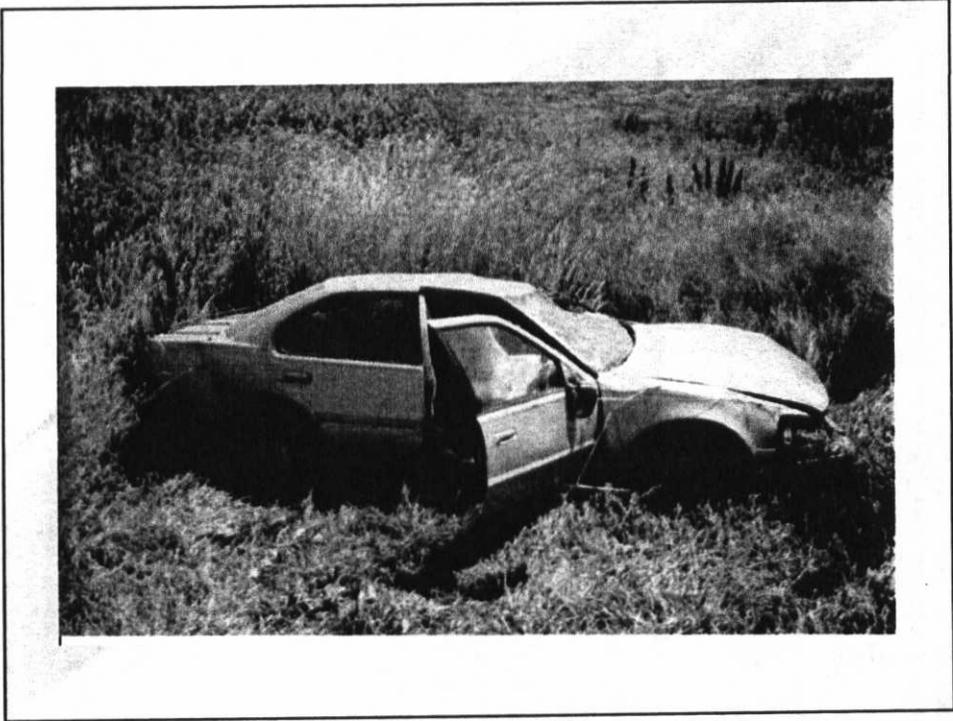
According to information from the National Highway Traffic Safety Administration, rural Americans face a greater risk of being injured or killed in traffic crashes. A combination of factors is responsible for this risk. One of the factors is the low safety belt use. Last year in North Dakota, 63 percent of victims in fatal crashes were not wearing safety belts compared to 33 percent of victims in fatal crashes who were wearing safety belts.

Last year 48 out of the 101 fatal crashes in North Dakota were one vehicle rollovers. This represents 47.5 percent of total fatal crashes. The lack of safety belts worn by victims in these crashes is very high. Of the 48 victims killed in one vehicle rollovers, 39 were not wearing safety belts. The majority of those victims were ejected from a rolling vehicle.

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

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





Fatal Traffic Crash Summary
2006 One-Vehicle Rollovers

- 01-07-2006 Lake Shutte Road, 1 north of Jct US 281 & ND 5, 2.3 east of
Dunseith (Rolette County)
passenger vehicle – rollover
1 fatality – 17 year old female driver; hometown – Dunseith
safety belt not worn; ejected
speed/speed too fast for conditions, alcohol
- 01-08-2006 I-94, MP 334, 3 miles east of Casselton Exit (Cass County)
van – rollover
1 fatality – 37 year old male passenger; hometown – Fargo
safety belt not worn; ejected
speed/speed too fast for conditions, weather/road conditions
- 01-17-2006 unmarked BIA road, 8.5 miles southeast of Ft. Totten (Benson Co)
passenger vehicle – rollover
1 fatality – 20 year old female driver; hometown – Tokio
safety belt not worn; ejected
alcohol, speed/speed too fast
- 01-21-2006 I-94, MP 337.5, 1 mile west of Mapleton (Cass County)
passenger vehicle – rollover
1 fatality – 19 year old male driver; hometown – Valley City
safety belt not worn; ejected
speed/speed too fast, weather/road conditions
- 02-20-2006 ND 18, MP 133, south of Hatton (Traill County)
van – rollover
1 fatality – 16 year old female driver; hometown – Hatton
safety belt not worn; ejected
speed/speed too fast, weather/road conditions
- 02-18-2006 71st Avenue and Centennial Rd, NE of Bismarck (Burleigh County)
passenger vehicle – rollover
1 fatality – 49 year old male driver; hometown – Bismarck
safety belt not worn; ejected
alcohol, speed/speed too fast, left of center
- 02-23-2006 ND 200 by Cartwright (McKenzie County)
pickup – rollover
1 fatality – 34 year old male driver; hometown – Trenton
safety belt not worn
alcohol, speed/speed too fast, weather/road conditions

- 02-28-2006 Sargent Co Rd 14, 2 miles north of Geneseo (Sargent County)
passenger vehicle – rollover
1 fatality – 42 year old male driver; hometown – Geneseo
safety belt not worn; ejected
alcohol, speed/speed too fast
- 03-01-2006 I-94, MP 140, 12 miles west of Mandan (Morton County)
passenger vehicle – rollover
1 fatality – 17 year old female driver; hometown – Mandan
safety belt worn
speed/speed too fast, weather/road conditions
- 04-21-2006 ND 20, MP 100, approx. 2 miles south of Devils Lake (Ramsey County)
passenger vehicle – rollover
1 fatality – 30 year old male driver; hometown – Devils Lake
safety belt worn
alcohol
- 04-25-2006 I-94, MP 46, 3 miles east of Belfield (Stark County)
SUV – rollover
1 fatality – 17 year old male driver; hometown – Baker, MT
safety belt worn
fatigue
- 04-30-2006 Co Rd 7, ¾ mile southwest of Golden Valley (Mercer County)
van – rollover
1 fatality – 14 year old female driver; hometown – Golden Valley
safety belt not worn; ejected
speed/speed too fast
- 05-04-2006 BIA Road 12, 16.8 miles east of Mandaree (Dunn County)
passenger vehicle – rollover
1 fatality – 36 year old male passenger; hometown – Mandaree
safety belt not worn; ejected
alcohol, attention distracted
- 05-06-2006 US 83, MP 170, 2 miles south of Max (McLean County)
SUV – rollover
1 fatality – 21 year old female driver; hometown – Mandan
safety belt worn; partially ejected
improper maneuver, attention distracted
- 05-20-2006 county road, 1 south and 4 east of Flasher (Morton County)
SUV – rollover
1 fatality – 14 year old female passenger; hometown – Shields
safety belt not worn; ejected
alcohol, fatigue

- 05-29-2006 ND 24, MP 33, 3 miles west of Jct ND 1806/24 (Sioux County)
passenger vehicle – rollover
1 fatality – 29 year old male passenger; hometown – Bismarck
safety belt not worn; ejected
alcohol, physical impairment, speed/speed too fast, weather/road conditions
- 06-08-2006 US 2, MP 163, 13 miles east of Minot (McHenry County)
van – rollover
1 fatality – 52 year old male driver; hometown – Minot
safety belt not worn; partially ejected
alcohol, fatigue
- 07-07-2006 BIA Road 4, 6 miles NW of Belcourt (Rolette County)
pickup – rollover
1 fatality – 16 year old male driver; hometown – Belcourt
safety belt not worn; ejected
speed/speed too fast, alcohol
- 07-19-2006 Co Rd 37, .75 mile south of I-94 Exit 296 (Barnes County)
truck/trailer combination – rollover
1 fatality – 27 year old male driver; hometown – Valley City
safety belt not worn
attention distracted
- 07-23-2006 9 miles northeast of Cando on Egeland gravel road (Towner County)
(4 miles north of Hwy 17 on the Egeland Road)
pickup – rollover
1 fatality – 31 year old male driver; hometown – Cando
safety belt not worn; ejected
alcohol, speed/speed too fast
- 07-23-2006 35 Street SW, 6.5 miles east of Dickinson (Stark County)
Blazer – rollover
1 fatality – 16 year old female passenger; hometown – Dickinson
safety belt not worn; ejected
speed/speed too fast, alcohol
- 07-15-2006 County Road 4, 1 mile west of Arvilla (Grand Forks County)
pickup – rollover
1 fatality – 18 year old male passenger; hometown – Emerado
safety belt not worn; ejected
alcohol, speed/speed too fast
- 07-25-2006 116 Avenue SW, 6 miles south of Hwy 10 (Stark County)
passenger vehicle – rollover
1 fatality – 16 year old male passenger; hometown – Dickinson
safety belt not worn; ejected
speed/speed too fast

07-25-2006 US 83, 25 miles west of Bottineau (Bottineau County)
semi with trailer – rollover
1 fatality – 59 year old male driver; hometown – Sawyer
safety belt worn
attention distracted

08-04-2006 US 83, MP 148, 7 miles north of Underwood (McLean County)
SUV – rollover
1 fatality – 17 year old male driver; hometown – Coleharbor
safety belt not worn; ejected
attention distracted

08-11-2006 ND 49, MP 84, 20 miles south of Beulah (Mercer County)
passenger vehicle – rollover
1 fatality – 68 year old female driver; hometown – Hebron
safety belt not worn; air bag deployed

08-17-2006 ISR 8, 5 miles west of Ft. Totten (Benson County)
passenger vehicle – rollover
1 fatality – 1 year old female passenger; hometown – Ft Totten
child car seat/safety belt not worn; ejected
alcohol

09-02-2006 Gravel Co Rd 49, 10 miles SW of Ross (Mountrail County)
passenger vehicle – rollover
1 fatality – 22 year old male passenger; hometown – Dickinson
safety belt not worn; ejected
speed/speed too fast

09-04-2006 County Road 8, 3 miles south of Fullerton (Dickey County)
SUV – rollover
1 fatality – 4 year old male passenger; hometown – Adrian
safety belt/child restraint not worn; ejected
speed/speed too fast, alcohol

09-09-2006 ND 18, MP 85, 2 miles north of Amenia (Cass County)
Blazer – rollover
1 fatality – 36 year old male driver; hometown – Hunter
safety belt worn
alcohol, drove on shoulder

09-28-2006 ND 1804, MP 9.7, 9.7 miles north of SD border (Emmons County)
passenger vehicle – rollover
1 fatality – 49 year old female driver; hometown – Pollock, SD
safety belt not worn; ejected
alcohol

- 09-30-2006 county road (77th Street), 5 miles SW of Raleigh (Grant County)
passenger vehicle – rollover
1 fatality – 47 year old female driver; hometown – Raleigh
safety belt not worn; partially ejected
improper evasive action
- 10-11-2006 US 2, MP 346.6, approx. 8.5 miles west of I-29 (Grand Forks County)
SUV – rollover
1 fatality – 23 year old male driver; hometown – Emerado
safety belt not worn; ejected
weather/road conditions
- 10-19-2006 ND 22, MP 64, approx. 5 miles south of Dickinson (Stark County)
passenger vehicle – rollover
1 fatality – 19 year old male driver; hometown – Baudette, MN
safety belt not worn; ejected
left of center, alcohol
- 10-19-2006 I-29, MP 92.2, Grandin Exit (Cass County)
pickup – rollover
1 fatality – 18 year old male driver; hometown – International Falls, MN
safety belt not worn; ejected
fatigue, speed/speed too fast, alcohol
- 10-26-2006 ND 8, 16 miles north of Stanley (Burke County)
passenger vehicle – rollover
1 fatality – 62 year old female passenger; hometown – Powers Lake
safety belt worn
attention distracted
- 10-29-2006 ND 18, MP 189, 8 miles southeast of Park River (Walsh County)
SUV – rollover
1 fatality – 43 year old male driver; hometown – Inkster
safety belt not worn; ejected
alcohol
- 10-30-2006 US 85, MP 134, 8 miles south of Watford City (McKenzie County)
van – rollover
1 fatality – 10 year old female passenger; hometown – Williston
safety belt not worn; partially ejected
weather/road conditions, speed/speed too fast
- 11-04-2006 gravel county road, 4 north and 2 west of Churchs Ferry (Benson County)
pickup – rollover
1 fatality – 39 year old female driver; hometown – Rock Lake
safety belt not worn; ejected
alcohol, speed/speed too fast, improper evasive action

11-15-2006 US 2, 14 miles west of Ray (Williams County)
SUV – rollover
1 fatality – 47 year old female driver; hometown – Tioga
safety belt not worn; partially ejected
alcohol

11-25-2006 BIA 12, 6 miles east of Mandaree (Dunn County)
passenger vehicle – rollover
1 fatality – 18 year old male passenger; hometown – Mandaree
safety belt not worn; ejected
speed/speed too fast, alcohol

11-25-2006 ND 1, MP 125.8, 3 miles south of Binford (Griggs County)
SUV (Suburban) – rollover
1 fatality – 17 year old female driver; hometown – Steele
safety belt not worn; ejected
speed/speed too fast

12-08-2006 I-94, MP 70, 6 miles east of Dickinson (Stark County)
pickup – rollover
1 fatality – 63 year old female passenger; hometown – Puyallup, WA
safety belt not worn; ejected
cruise control used, speed/speed too fast, weather/road conditions

12-20-2006 ND 30, MP 17.3, 14 miles south of Streeter (Logan County)
SUV – rollover
1 fatality – 83 year old male driver; hometown – Streeter
safety belt worn

12-12-2006 1000 block of 158 Street SE, Bismarck (Burleigh County)
pickup – rollover
1 fatality – 25 year old male driver; hometown – Casper, WY
safety belt not worn; ejected

12-27-2006 County Road 38, 14 miles south of Valley City (Barnes County)
Expedition – rollover
1 fatality – 59 year old male driver; hometown – Kathryn
safety belt not worn; partially ejected
alcohol, speed/speed too fast

12-28-2006 ND 24, 26.2 (Sioux County)
SUV – rollover
1 fatality – 15 year old male passenger; hometown – Bismarck
safety belt not worn; ejected
alcohol, speed/speed too fast

12-30-2006

township road, 3 miles east of Grace City near Juanita Lake (Foster Co)

passenger vehicle – rollover

1 fatality – 26 year old male driver; hometown – Glenfield

safety belt worn

alcohol, speed/speed too fast, weather/road conditions

Submitted by
Rep Gruchalla on 2-1-07



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Rod R. Blagoje

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Illinois State Police Press Release

Gov. Blagojevich announces primary seatbelt enforcement contributes to lowest number of traffic deaths since 1943



Released: January 9, 2005

First full year results increased compliance; Preliminary total shows 113 fewer people killed in 2004.

SPRINGFIELD - Governor Rod Blagojevich, Illinois Department of Transportation (IDOT) Secretary Timothy W. Martin and Illinois State Police (ISP) Director Larry Trent announced today that preliminary figures indicate 113 fewer people were killed in traffic crashes in 2004 than in 2003. The Governor, Secretary Martin and Director Trent cite the state's primary seat belt enforcement law as one of the main reasons for the reduction in highway fatalities.

"We know there are likely other factors that may have saved lives on Illinois roadways, but we also know that more than 100 people are walking around today in part because of the primary seatbelt enforcement law," said Gov. Blagojevich.

"Because of the Governor's commitment to traffic safety, our preliminary numbers are showing a reduction in the number of people being killed in traffic crashes by about 8%," Secretary Martin said.

Governor Blagojevich signed the primary seat belt enforcement law in July of 2003. Since that time seat belt usage has increased by 7% in Illinois. During IDOT's annual seat belt survey in June of 2003, 76% of motorists were wearing seat belts; one year later, after the enactment of the primary seat belt legislation, 83% of motorists were

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wearing their seat belts.

Add/2004 Preliminary Traffic Fatalities Totals

In 2003, 1454 people were killed on Illinois highways. A final report will not be available until a later date, but based upon preliminary information, that number has decreased to 1341 for the year 2004. If the numbers hold true, this would be the lowest number of traffic fatalities in Illinois since 1943, when 1328 people were killed in traffic crashes.

An amendment to the Illinois Child Passenger Protection Act that went into effect on January 1, 2004, may also contribute to safer Illinois roadways. This law makes it the drivers' responsibility to properly secure any child under the age of 8 in an appropriate child restraint system; previously, the law was directed at children under the age of 4. It also provides that every driver must ensure passengers between the age of 8 and 16 are properly secured.

"Buckling up, every trip, every time, is the simplest thing you can do to save your life or a loved one's in a traffic crash," Director Trent said. "Education is an important component to get people to buckle up, but unfortunately, some folks just don't get it. That's why we need enforcement, and the ability to pull someone over for not wearing their seat belt. We will continue to aggressively enforce the seat belt statutes."

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For more information contact:
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House Bill 1254
Testimony by the North Dakota American Academy of Pediatrics
Presented by Todd Twogood MD, FAAP (President)

On behalf of the North Dakota Chapter of the American Academy of Pediatrics, we would like to offer our support to an upcoming bill in this legislative session. Our state organization is made up of physicians who practice in the area of pediatric medicine. Not only is the work that we do in the hospitals and clinics where we serve important in saving lives, but working for better safety practices outside these settings is also a priority of our organization.

Currently, the only traffic violation in the state of North Dakota that is not a primary enforcement law is that of seat belt use for adults. In the state of North Dakota, there is currently a 76-80% seat belt usage rate among adults. At this point, the educational efforts on the importance of seat belts have influenced the majority of those that can be reached. In order that we increase the usage rates to a higher level, a primary enforcement law is necessary.

Motor vehicle crashes remain the leading cause of injury and death to children and young adults. While as pediatricians we support the use of car seats, booster seats and seat belts for the populations we serve, it is also important that the adult occupants in the vehicle also be restrained. Unbelted occupants in a crash are more likely to be injured or killed. They also experience a 50% higher medical bill and society bears 74% of this cost through increased premiums, taxes and health care and insurance costs. On a statewide basis, traffic crashes cost the North Dakota economy a total estimated loss of \$462,474,400 in 2005 according to the ND Department of Transportation.

Enactment of a standard seat belt bill has proven to result in a 10-15% increase in seat belt usage. If enacted in North Dakota, we would anticipate seeing on an annual basis approximately 8 lives saved, the prevention of 60 serious injuries and a cost savings of \$15 million. Safety belts are the simplest and most cost-effective way to prevent traffic deaths and injuries and a primary/standard enforcement law is the simplest way to increase seat belt use.

We hope that we can count on you for support of this important piece of legislation. We, as members of the American Academy of Pediatrics, will continue to do our part to prevent injuries and deaths via education in the clinical setting. We hope you will join our efforts by passing this legislation that will keep not only the kids of our state safe, but their parents and caregivers as well.



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January 25, 2007

TO: Chairman Robin L. Weisz and Members of the House Committee on Transportation

FROM: Gene LaDoucer, AAA North Dakota (eladoucer@aaand.com)

RE: AAA North Dakota Support for HB 1254

Good morning, Chairman Weisz and members of the committee. Thank you for the opportunity to express support for House Bill 1254. My name is Gene LaDoucer, and I am the Director of Public Affairs for AAA North Dakota, the local motor club that serves 60,000 members across the state. We are also part of The Auto Club Group, an affiliation of AAA clubs representing 4.1 million members in eight Midwestern states.

For more than 100 years, AAA has been a leader and advocate for the safety and security of all travelers and it's our position that it's time to stop thinking of traffic crashes as "normal" and traffic fatalities and severe injuries as "acceptable losses."

The loss of life on our roadways is both a traffic safety and public health concern. Motor vehicle crashes are the leading cause of unintentional death in North Dakota and across the nation. Every day about 120 people are killed in motor vehicle crashes; and in North Dakota, someone's father, mother, son, daughter or friend is tragically killed along a stretch of road an average of every 3 days. And the economic toll is staggering. Traffic crashes cost North Dakota about \$290 million each year in medical expenses, lost productivity, property damage and related costs. That equates to nearly \$452 for every resident of the state -- about 74 percent of that cost is paid by citizens not involved in the crashes.

A no-cost way to reduce these numbers is to drop the secondary enforcement provision of the state's current safety belt law. We know that when states pass standard safety belt laws, usage increases by an average of 11 to 14 percent. And when usage goes up, lives are saved. Hundreds of traffic rules are enforced in the same standard, primary way by police officers every day, from broken tail lights, to the use of turn signals, to expired registrations. Motorists do not have a choice whether to follow any of our traffic rules, except for safety belts. However, no traffic rule is more critical to public safety than enforcement and compliance with our current mandatory safety belt law. A law that has been in effect since 1993, but consistently ignored by more than 20 percent of North Dakota's motoring public. Through education, enforcement and legislation, we can increase safety belt use in North Dakota and reduce the unnecessary loss of life and the personal and economic toll traffic crashes have on everyone.

Again, Mr. Chairman, I appreciate the opportunity to express AAA's support for this important measure with the committee.

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TESTIMONY IN OPPOSITION TO HB 1254

House Transportation Committee

January 25, 2007

Ralph Muecke, Gladstone, ND 58630
8441 100th Ave SW

Well, here we are again in another legislative session and the seat belt issue has surfaced it's ugly head once again. What part of the word "NO" don't some you understand?

House Bill 1254 is mainly about power, control, and individual rights. It's getting to the point where a lot of people dread the upcoming legislative session. Because they will see their financial resources and their rights erode just a little bit more. Like someone told me a few days ago when I mentioned HB 1254: "It will get to the point in years to come that before we leave our farms to go to town for whatever, that we will have to first sign a form before we leave. This is one of those bills if voted into law, turns the average law abiding citizen into a common criminal. HB 1254 is absolute proof that the people are better off when their legislature doesn't meet.

During the 1993 referral of SB 2266, the current secondary enforcement law, I obtained the largest number of signatures during that petition drive. I approached nearly 2000 people. The thing that amazed me the most was that so many, many of these people that I approached had been in an accident or knew of someone that had been in an accident said that if they would have worn their seat belt they wouldn't be alive to tell about it. But we never hear about that in the news do we. Why? It appears that law enforcement along with our biased news media is not telling us the whole story here. Even some law officers (4 come to mind) told me that they have strong reservations about seat belts.

I don't disagree that lives have and can be saved by wearing seat belts. But I also believe that there are cases where people's lives are saved because they weren't wearing them. I personally believe it should be up to the individual according to their convictions as to whether they feel safer with or without them. I won't tell anyone to wear them or not to wear them.

Yes, I do wear my seat belt when I feel the situation warrants it. But I feel that they do restrain my ability to be a safe driver. If I ever cause an accident it will probably be because of the seat belt. The shoulder strap cuts me right across the neck and I can't adjust it to prevent that. I cannot wear both a winter coat and a seat belt. I end up taking the coat off..

Some elderly people cannot wear them. My motherinlaw who had a lot of arthritis and a bad hip was one of them.

There are much bigger fish to fry than the seat belt issue. I've been told that when people apply for a job that 3 out of 5 test positive for drugs. Some say it's worse than that. What about some of these semi drivers? Gosh-o-Friday I think some of them would just as soon kill a person. My wife is scared to go onto the Interstate. These maniacs that drive on icy roads. It's a wonder there aren't more accidents than there are.

What about the thousands of children killed by abortions? They say we need law after law to protect our life. However, when somebody tries to enact legislation to make abortion illegal we hear the terms: "unconstitutional" "discrimination" "womens right to choose" and other liberal verbage. It's okay to just keep on killing thousands of unborn children. Definitely a huge double standard.

Our 5th President James Monroe is best remembered for his famous "Monroe Doctrine" It simply stated to the European nations: "Hands off the western Hemisphere" "we can solve our own problems" Here is another one called the "Peoples Doctrine" it simply says: "Hands off of our rights"

I ask that you please give HB 1254 a "DO NOT PASS" recommendation.

HB 1254

Mr. or Madam Chairman and members of the committee and public, my name is Brad Manz from Bismarck and I oppose this bill for the following reasons:

- While safety belts have undoubtedly saved lives, many have died because they were wearing them. Other safety devices - such as fire extinguishers - are inexpensive, readily available, easy to use, and invaluable for preventing injury or death but are considerably less dangerous. Unfortunately few vehicles have them.
- Passage of a primary enforcement law could have undesirable consequences such as a possible increase in the use of tinted windows. This presents a very uncomfortable situation for law enforcement officials approaching a vehicle during traffic stops, etc. Another issue is the incremental but steady and unrelenting loss of individual freedom such measures represent. Ultimately people lose their respect for the law overall when subjected to a plethora of petty ordinances.
- The essence of the problem is irresponsible, incompetent and careless driving which cannot, unfortunately, be legislated away. Instead we must find a way to enhance the general standard of driving behavior through education, additional training and attitude adjustment.

Are there any questions?

Thank you.

Brad Manz
PO Box 7364
Bismarck, ND 58507-7364

TESTIMONY ON HB 1254 -- IN OPPOSITION

House Transportation Committee

January 25, 2007

John J. Gosbee, Mandan - not present -

Good morning Chairman Weisz and members of the Committee. I respectfully urge the Committee to vote a "DO NOT PASS" recommendation on this bill.

Variations on seat belt laws have wended their way through the North Dakota legislature for nearly two decades. Three times the people of North Dakota have spoken at the ballot box on the issue. I've attached a copy of that history to this testimony.

The peoples' message is clear. The people are willing to have a secondary enforcement law, but not a primary enforcement law. In 1989, the people voted down a primary enforcement law. In 1994 they supported a secondary enforcement law. They later defeated an initiated measure to repeal secondary enforcement.

Although much of the Legislative Assembly is new since those days, the issues are not. All the arguments are the same. For one point of view, I note that no engineering or safety decision is without risk. By lessening one risk, we expose ourselves to another. The fear of being burned or drowned in a crash is perfectly rational, even if one is more likely to be crippled. It is not the proper role of government to force people, who fear Peril A more, to expose themselves to Peril A as a price for lessening Peril B.

The ultimate power in North Dakota rests with the people. The Legislative Assembly is a custodian of that power. The people have spoken. No argument exists to justify ignoring the decision of the people.

I was involved in all three ballot measures and have learned to respect the vote of my peers -- the people of North Dakota. I trust this Committee to do the same.

HISTORY OF SEAT BELT BALLOT MEASURES IN NORTH DAKOTA

- 1989:** Primary enforcement law (1989 SB 2316, 1989 S.L., Ch. 464), referred by the people, defeated at polls, December 5, 1989.
Vote: Yes 102,992, No 149,969 (41%-59%). See 1991 S.L., Ch. 743.
- 1993:** Secondary enforcement law (1993 SB 2266, 1993 S.L., Ch. 385), referred by the people, sustained at polls, June 14, 1994.
Vote: Yes 67,744, No 62,826 (52%-48%). See 1995 S.L., Ch. 639.
- 1994:** People initiated measure to repeal secondary enforcement law; defeated at polls, November 8, 1994.
Vote: Yes 106,203, No 127,553 (45%-55%). See 1995 S.L., Ch. 638.