

2013 HOUSE TRANSPORTATION

HB 1321

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1321
02-01-13
Job # 18187

Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the penalty for overtaking a school bus.

Minutes:

Chairman Ruby introduced HB 1321.

Representative Larry Bellew, District 38, introduced HB 1321 and supports the bill. He explained that the bill will increase the fine for going around a school bus when the light is on from \$50 to \$100. The points will not change.

Representative Becker: What are we accomplishing in 39.1046 and 39.1046.1 that we are increasing that to \$100, but the others are \$50?

Representative Bellew: I can't answer that question, since I don't know what the fines in the other parts pertain to. This bill pertains to school buses only when the school bus is stopped and the red lights are flashing.

Chairman Ruby: I had Vice Chairman Owens look up the one above it is for littering. I think passing a school bus is probably more important.

Jennifer Warner, lives along Ward County Highway 15 between Minot and Burlington, spoke to support HB 1321. Her daughter is in kindergarten in Burlington and rides the bus. She is surprised that drivers have total disregard for the law. She has seen numerous drivers go around her bus while the lights are flashing. One didn't even slow down. She walks her daughter to the bus every morning, but if she decided to come back across the road sometime, there could be an accident. She feels that parents try to teach their children there are consequences to actions. The current consequences for ignoring flashing red lights on a school bus are apparently not severe enough. No matter what the punishment some will continue to ignore the law, but if the punishment is severe enough most will think twice about ignoring the law. The recent fines for illegal dumping of sewage levied by the State Health Department would deter any such incidence. She doesn't know what the appropriate fine should be, but isn't sure that \$100 is enough for endangering the life of a child. She asks the committee to impose harsher penalties for this violation before someone is seriously hurt or killed.

Representative Kreun: What do you think would be an appropriate fine?

Jennifer Warner: If I could pick the fine, I would pick \$1000. I think that if someone knew that is what they would have to pay to put a child's life in danger, they would think twice about it.

Representative Fransvog: If a school bus is parked on a street with flashing yellow lights, can you go around it?

Jennifer Warner: Yes, but you are supposed to slow down.

Representative Fransvog: Is the only time you have to stop when the STOP arm is out?

Jennifer Warner: Yes.

Barry Brooks, Director of Purchasing and Transportation for the Minot Public Schools spoke in support of HB 1321. He explained that most kids are injured or killed in the danger zone, which is 10 feet around a school bus. The reason for this is that kids might walk across the bus and get run over, or they stop in front of the bus, the driver doesn't know that they are there, and he runs over them. Last year there were nine children killed. Most occurred when people ignored the reds, and one was killed by the bus driver when the child fell, and the driver ran over him. The Kansas Department of Education publishes a document every year that gives the number of loading and unloading deaths. There is a video from a bus with a camera on School Bus Magazine. It shows a student narrowly being missed by a driver that doesn't stop for the red lights. We want to prevent this type of thing from happening. We haven't had any deaths like this in North Dakota, to my knowledge. We have cameras on our buses in Minot. We have had numerous drive-bys. I wholeheartedly support this bill.

Representative Schatz: If there is no law enforcement around when this happens, is there still an opportunity to arrest a person who does this?

Barry Brooks: Yes, with our camera system we have been able to turn the drive-bys into the police department and haven't lost one. As a school we need to educate our staff and the public needs to be educated.

Representative Kreun: I don't think \$100 is much of a deterrent. In other states, such as Minnesota, you have the ability for the bus driver to record the driver's plate number, and the driver automatically receives a citation. They have that kind of authority. Not only the driver gets a citation, but the registered owner of the car as well. The fine is much higher too.

Barry Brooks: The fines vary from state to state. Sometimes it gets changed. Usually, it is after an accident.

Representative Fransvog: Does the top arm come out even if the children getting on or off do not cross the street?

Barry Brooks: Yes. The public would not know whether the child is going to the right or across.

Chairman Ruby: We need to consider if the fines will pass the rest of the body.

Vice Chairman Owens: 39.10.36 details the act of passing the bus, and it also details in one of the sections details exactly what the bus must do. Do we have any buses that are left in use that were made before July 1, 1988? They would not have to have an arm.

Barry Brooks: Not in my fleet, but I can't answer that.

Charlotte Timothy, Minot Public Schools, Student Transportation Supervisor: I have driven buses for over 20 years. I have seen cars come around my bus when I have had my "reds" out. I had a bus aid that was walking a student across the road, and had it been two seconds different, she would have been hit. This is a problem. I have compared our fines to other states, and we are one of the lowest. Iowa was about where we are now, until they had a seven year old girl get hit and killed. I would like think that our state is proactive rather than reactive. I urge you to take steps now before we have a tragedy. Many states have even gone to possible jail time and mandatory license suspension in addition to higher fines. I know this is becoming more and more of an issue. There is a study that's done yearly. Drivers from many states take part on the same day to let them know how many vehicles have run their reds on that day. Last year twenty-eight states participated (100,000 drivers) and reported that 88,025 vehicles passed their buses illegally on one day. In a 180 day school year, it would be approximately 16,000,000 violations in a year. In addition to fines, I think part of the issue is education. We should try to do more to educate people what the lights mean.

Chairman Ruby: Do you have ideas about where and when that education would take place?

Charlotte Timothy: We could use public service announcement. Last year at the beginning of school, a news channel came and did a story. Anything like that is good. The fine is good as a deterrent, but we need more.

There was no further support for HB 1321.
There was no opposition to HB 1321.

The hearing on HB 1321 was closed.

Vice Chairman Owens: I agree I think the fines should be higher.

Representative Becker moved a DO PASS on HB 1321.
Representative Kreun seconded the motion.
A roll call vote was taken. Aye 13 Nay 0 Absent 1
Representative Kreun will carry the bill.

Date: 2-1-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1321**

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 Becker Seconded By Kreun

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Lois Delmore	✓	
Vice Chairman Mark Owens	✓		Rep. Edmund Gruchalla	A	
Rep. Rick Becker	✓		Rep. Kylie Oversen	✓	
Rep. David Drovdal	✓				
Rep. Robert Frantsvog	✓				
Rep. Brenda Heller	✓				
Rep. Curtiss Kreun	✓				
Rep. Mike Schatz	✓				
Rep. Gary Sukut	✓				
Rep. Don Vigesaa	✓				
Rep. Robin Weisz	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Kreun

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

REPORT OF STANDING COMMITTEE

HB 1321: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1321 was placed on the Eleventh order on the calendar.

2013 SENATE TRANSPORTATION

HB 1321

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1321
3/14/2013
Recording job number

Conference Committee

Committee Clerk Signature

Dois E Perez

Explanation or reason for introduction of bill/resolution:

Relating to the penalty for overtaking a school bus when the red lights are flashing and the stop signs are on.

Minutes:

No attached testimony.

Chairman Oehlke opened the hearing on HB 1321

Representative Bellew, District 38, Bill sponsor This bill raises the fines for going around a school bus when the flashing reds and the stop sign are on, from \$50 to \$100. If the committee sees it fit to raise the penalty to \$250, I would also support that, because of Section 1 - 2 g which is entering a closed road.

Chairman Oehlke: The bus driver is the one who makes the call?

Rep Bellew Yes, but the flashing reds have to be on and the stop sign has to be visible also. If just stop with the yellows on the drivers have every right to go around if there is room.

Senator Sitte: It seems 2011 there were only three violations in the state

Rep Bellew: The school bus driver has to report it personally I am more concerned about the kids. If a car was to go around me I don't know that I could write the license plate down or even identify the car.

Chairman Oehlke asked a group of teens from Ashley what they would do if the saw the buses red lights flashing, if they would stop, go around or speed up. They said if yellow caution light on, they would slow down and go around the bus, if the red lights on they would stop.

Mike Reitan (Assistant Chief West Fargo Police Dept.): we would support this bill. One thing people don't realize is that the major hit for going around a school bus is a 6 point assessment against your driver's license. For teens to drive around a school bus with the red lights flashing is a suspension of their license. For adults it is halfway to a suspension, so if you do it twice within 30-45 days you end up being suspended. I went to a conference with the International Chiefs of Police they do have a camera system, it is a contract. The

camera is on the side of the bus and they do capture anybody that goes around, the information is recorded and sent to the police department where we get the registered owner information. The registered owner is the one on the hook for that violation unless you provide the name of the individual who is driving. A letter is sent out to the registered owner and they can pay the fee or contest it in court. The company that provides the service collects a portion of the fees. Out on the east coast some of the fines were from \$250-500. For the contractor the fines are too low in North Dakota for it to be profitable.

Chairman Oehlke: could you explain, for the benefit of the youths present, the difference between them getting their license suspended and an adult.

Mike Reitan: They have to do retesting if they become suspended. For adults once we become suspended it is one week of suspension for every point over eleven and you gain back a point a week until you got back to 11, and then you would get one point back every ninety days. There is training for the bus drivers, before they come to a stop they have to turn on the flashing yellow lights and allow vehicles that are too close to stop to continue past, they stop and then they activate the red lights. Once the stop sign is out and the red lights are flashing the bus driver if they have somebody drive through there is a form they fill out providing a description of the driver, the vehicle and the license plate number. Once we have that information we attempt to make sure that license plate number matches the vehicle as described and then the person is sent a notice that they are in violation of driving past a school bus when the red light is flashing. They are summoned into court. That is how it is done in West Fargo. If there isn't a match between the license plate and the vehicle the paperwork is thrown away and that is the end of it.

Senator Sitte: haven't those cameras been found to be unconstitutional in other states.

Mike Reitan: I am sure what their legal standing is. I know some states are no longer using them. The system we are talking about would be video evidence much like the videos in our cars which is something that can be presented in court.

No additional testimony. Chairman Oehlke closed the hearing

Senator Flakoll: moved DO PASS

Senator Sitte: seconded

Discussion followed regarding the fine amount.

Roll call vote: 6 yes, 0 no 1 absent not voting

Carrier Senator Sitte

Date: 3/14/13
Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL NO. 1321**

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 Flakoll

Seconded By Senator Sitte

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	X		Senator Tyler Axness	X	
Vice Chairman Kelly Armstrong	X		Senator George Sinner	X	
Senator Margaret Sitte	X				
Senator Tim Flakoll	X				
Senator Tom Campbell					

Total (Yes) 6 No 0

Absent Senator Campbell

Floor Assignment Senator Sitte

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

REPORT OF STANDING COMMITTEE

HB 1321: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1321 was placed on the
Fourteenth order on the calendar.