

2015 HOUSE TRANSPORTATION

HB 1172

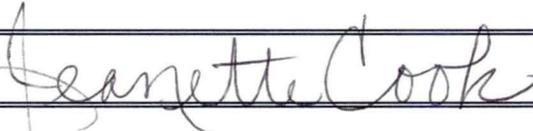
2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1172
1/22/2015
22414

Subcommittee
Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to lights for volunteer services.

Minutes:

Attachment #1

Chairman Dan Ruby opened the hearing on HB 1172.

Representative Ben Hanson, District 116, introduced HB 1172. See Attachment # 1.

Vice Chairman Lisa Meier: Are you aware of any other services that currently use the blue lights or want to use them?

Representative Ben Hanson: I am not aware of any other volunteer groups that want to use them. I just wanted this to be available to any that did.

Chairman Dan Ruby: How many types of vehicles could this encompass? "Volunteer services" is a very broad term.

Representative Ben Hanson: It is under Section 39-01-01. That gives a definition of Class C authorized vehicles.

Chairman Dan Ruby: I'm talking about vehicles used by volunteer services. That could be a broad group. It could be someone delivering Meals on Wheels. There are many volunteer services.

Representative Ben Hanson: That is correct.

Chairman Dan Ruby: It says that the secondary light could not be on the roof or the windshield. Where would they intend to put them; or were they generally affixed?

Representative Ben Hanson: My understanding is that they would only affix them when they are stationary.

There was no further support for HB 1172.

There was no opposition to HB 1172.

Steve Dirksen, North Dakota Fire Chiefs Association, spoke in a neutral capacity on HB 1172. He spoke to voice the concern of the Fire Chief of Devils Lake. His concern was how their dive rescue team would be affected by this bill. The way he sees it, he feels that they would be negatively affected by it. They are an emergent, but not attached to a fire or an ambulance service, but they do provide an emergency service as well.

Chairman Dan Ruby: Does it seem broad to you, as far as volunteer services?

Steve Dirksen: We reviewed it and didn't see any problems with the bill as far as volunteer firemen responding. We didn't look at the bill from the point of view that you are describing.

Representative Ben Hanson: If there is anything that would negatively affect the volunteer firefighters, I would not want that in there.

There was no further testimony on HB 1172.
The hearing was closed on HB 1172.

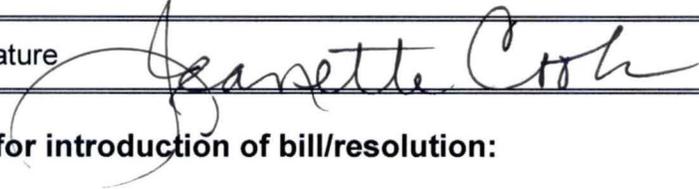
2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1172
1/23/2015
#22456

Subcommittee
Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to lights for volunteer services.

Minutes:

Chairman Dan Ruby opened committee discussion on HB 1172.

Representative Gary Paur moved a **DO NOT PASS** on HB 1172.

Representative Robin Weisz seconded the motion.

Representative Ben Hanson: I will resist the motion. I didn't want to see us take away the use of the blue lights for a volunteer group. I didn't think it was the intent of the original bill.

Chairman Dan Ruby: That group raised the money for the blue lights, and then they would only put them on when they were parked and assisting in a rescue. Is that correct?

Representative Ben Hanson: They were actually just using them regularly, and law enforcement had a problem with that. They didn't want people confusing professional law enforcement with people that are not. I didn't like the idea of us regulating them out of something that they had raised money for, and they do provide a good community service. I thought that they could use them for stationary service.

Chairman Dan Ruby: There is approval to use blue lights by nonprofessionals, like volunteer fire fighters. I had some issues with the language of volunteer services. There may be a lot of others that fall under that classification.

Representative Chris Olson: I am having trouble finding what the flaws are with the bill. Line 14 is a little broad, but maybe it just needs to be amended. Aside from that, can anyone discuss what the real problems with this bill are?

Chairman Dan Ruby: When this group is on site, helping with search and rescue or any other service, they weren't able to put their flashers on. Usually there would be law

enforcement on hand, and they would have their lights on to provide protection. It just is too broad when you say volunteer services. I don't know how much the lights are used or how many call situations they respond to.

Vice Chairman Lisa Meier: I don't really have a problem with the bill either.

Chairman Dan Ruby: It seems like volunteer services could be anything, like Meals on Wheels. That is my concern.

Representative Mike Schatz: I got some calls from our emergency services people in Stark County. They really didn't like the bill, and they thought that it would interfere. I will be voting that way.

Rep. Mark Owens: To the average person what does the blue light mean? It means police. I don't know why they have to have a blue light. I can't find anywhere in the code, where they were in the code and taken out.

Representative Ben Hanson: Before that there was no code, period. Then in 2013 we passed rules, and they were told they couldn't use them.

Chairman Dan Ruby: If they weren't authorized, and they were using the blue lights, they were in violation.

There was no further discussion.

**A roll call vote was taken. Aye 8 Nay 4 Absent 2
The motion carried.**

Representative Robert Frantzvog will carry HB 1172.

REPORT OF STANDING COMMITTEE

HB 1172: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1172 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

HB 1172

HB 1172
1-22-15
#1

1 of 5

HB 1172 Testimony; Rep. Ben Hanson

House Committee on Transportation:

January 9th, 2015 testimony in regards to HB 1172; A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 39-01-01 and section 39-10-03.2 of the North Dakota Century Code, relating to lights for volunteer services.

Mr. Chair, fellow committee members, for the record my name is Ben Hanson and I am a representative from District 16 in Fargo and West Fargo. I stand before you today to testify in favor HB 1172.

Some historical context: In the 2013 session HB 1100 (copies provided) was introduced by the Department of Homeland Security by Greg Wilz. Its intent was to make an adjustment to "Class C" authorized emergency vehicles as seen on Page 2, Line 13 of the original bill. This was so that professional emergency service workers could use things like emergency lights, etc. on their personal vehicles while on the way to an emergency scene, should the "authorized" emergency vehicle not be accessible.

The unintended consequence of this was lights authorized for professional emergency vehicles became changed. A group called EVAC, standing for Emergency Vehicle Assistance and Communications, had raised money among its members for blue lights on their vehicles. They provide community service in various situations throughout the year (detailed in separate handout from their website). The money they raised was wasted as they couldn't use the lights and since they have found the lights that they are allowed to use, amber, are not as effective and letting the general populace know where they are working and what they are doing.

I am not submitting this as a bill simply for them, though they are the impetus for 1172, but for emergency volunteer services across the state. HB 1172 is an attempt at finding a happy compromise between law enforcement's legitimate concern with blue lights being used on moving vehicles and these volunteer groups. It allows them to use said color of lights in their activities only if they are on stationary vehicles.

HB 1172
1-22-15
#1

2 of 5

HB 1172 - Transportation Committee

Ryan Sherbrooke-Chief of E.V.A.C.-Testimony

1/22/15

Chairman Ruby, Members of the Transportation Committee, my name is Ryan Sherbrooke and I am the Chief of Emergency Vehicle Assistance and Communications (E.V.A.C) based in Fargo.

During the last session we had been removed from the list to operate with Blue Lights while working Traffic Control operations in and around Fargo.

After we lost the permission to use those blue lights, we had to switch over to the use of Amber lights. After using these lights, we have found amber lights to be less effective with the general public. Our group has been told by many members of the community while working traffic control that they could not tell us apart from a construction vehicle or snow plow, resulting in their inattention to the intersection that we were providing traffic control at. This inattention ultimately resulted in one of our volunteers nearly being struck by a vehicle, as well as many other lives being put at risk. The use of blue lights greatly increases visibility to our vehicles as well as giving us more of a command presence, resulting in motorists paying more attention and bringing more awareness to the situation ahead of them which in turn brings increased safety to our volunteers.

E.V.A.C annually provides thousands of hours of scheduled and emergency traffic control within the city and surrounding areas of Fargo. We have assisted in setting up and maintaining parameters for crime scenes, accident reconstruction scenes, many structure fires, bomb threats, floods, Hazardous material spills etc. and again blue lights provide command presence to the general public making it easier to keep them away from the area being worked, adding to the safety of the public. However we as a group have noticed that when running only amber lights, the general public tends to think we are "just another construction vehicle or snow plow" and tend not to heed instructions, making our job as a volunteer more difficult to reroute traffic in these situations.

Once again having blue lights would give us the command presence necessary to effectively and safely do our jobs while assisting local emergency response agencies.

HB 1172

1-22-15

#1

3 of 5

(Taken from the group's website, <http://www.evacinc.org/>)

What is EVAV?

EVAC is a volunteer, Search and Rescue Support Unit founded in 1977 and dedicated to community service throughout North Dakota and Minnesota.

The acronym EVAC stands for Emergency Vehicle Assistance and Communications. EVAC provides manpower, transportation, and communication for area events and emergencies.

EVAC currently bases its operations out of the Fargo/Cass Public Safety Building located in northwest Fargo.

During any man made or natural disaster we may be asked to assist emergency services with any emergency disaster situation.

EVAC's mission is to provide emergency assistance if and when requested by area law enforcement, fire, or medical services. EVAC is equipped and trained to render assistance to area emergency service providers and Civil Defense.

What has EVAC Helped Out With:

In the past, EVAC has provided assistance for emergency situations such as the Red River Flooding, structure fires, downed electrical poles or lines, and street light outages. We also have provided assistance to such events or parades as the Fargo Marathon, the Fargo Air Sho, Holiday Lights parade, NDSU Homecoming and NDSU Run to Remember and Walk for Christ. EVAC and its members have also provided rides during winter blizzards for emergency services personal to allow them to get to and from their jobs safely.

How Can You Help With EVAC:

EVAC is a 501C3 non-profit organization which exists solely on the free will donations of businesses, other organization or individuals. EVAC is always in need of monetary donations to further our objectives. If you can help us out, please get in touch with an EVAC member or mail any donations to the address listed in the "Join EVAC" section of the website.

HB 1172
1-22-15
#1

4 of 5

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Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1100

Introduced by

Political Subdivisions Committee

(At the request of the Adjutant General)

1 A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota
2 Century Code, relating to definitions of class C authorized emergency vehicles.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-01-01 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 2. "Authorized emergency vehicles":

7 a. "Class A" authorized emergency vehicles means:

8 (1) Vehicles of a governmentally owned fire department.

9 (2) Vehicles when operated by or under the control of a police officer having
10 authority to enforce the provisions of this title or by a salaried employee of a
11 municipal police department within the municipality or by a sheriff or deputy
12 sheriff not including special deputy sheriffs, or by the director of the
13 department of corrections and rehabilitation and the director's authorized
14 agents who have successfully completed training in the operation of class A
15 authorized emergency vehicles.

16 (3) Vehicles clearly identifiable as property of the department of corrections and
17 rehabilitation when operated or under the control of the director of the
18 department of corrections and rehabilitation.

19 (4) Ambulances.

20 (5) Vehicles operated by or under the control of the director, district deputy
21 director, or a district deputy game warden of the game and fish department.

22 (6) Vehicles owned or leased by the United States and used for law
23 enforcement purposes.

H1

Sixty-third
Legislative Assembly

- 1 (7) Vehicles designated for the use of the adjutant general or assistant adjutant
- 2 general in cases of emergency.
- 3 (8) Vehicles operated by or under the control of the director of the parks and
- 4 recreation department.
- 5 (9) Vehicles operated by or under the control of a licensed railroad police officer
- 6 and used for law enforcement purposes.
- 7 (10) Vehicles operated by or under the control of the state forester.
- 8 (11) Vehicles operated by or under the control of the bureau of criminal
- 9 investigation and used for law enforcement purposes.
- 10 b. "Class B" authorized emergency vehicles means wreckers and such other
- 11 emergency vehicles as are authorized by the local authorities.
- 12 c. "Class C" authorized emergency vehicles means:
- 13 (1) Vehicles ~~authorized~~used by the state division of homeland security or local
- 14 division of emergency management organizations.
- 15 (2) Vehicles used by volunteer firefighters while performing their assigned
- 16 disaster and emergency responsibilities.
- 17 (3) Vehicles, other than ambulances, used by emergency medical services
- 18 personnel.