

FISCAL NOTE
Requested by Legislative Council
01/10/2017

Bill/Resolution No.: HB 1241

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$2,000		\$1,000
Expenditures				\$100		\$50
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The purpose of the Bill is to lower the youth riding age from 12 years of age to 10 years of age.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Parks and Recreation is charged with offering off-highway vehicle safety certification courses for youth. Currently we certify youth ages 12 to 16 with the majority of our attendees being 12 to 14 year olds. If youth ages 10 and 11 are now able to get certified we would have an influx of those ages 10 to 12 wishing to get certified. We estimate 100 more youth during the 17-19 biennium and 50 during the 19 - 21 biennium. Course expenses would be limited to printing and mailing those additional safety certification cards.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Every student who takes a youth certification course is charged a fee of \$20. Over the course of 2 biennia we anticipate an increase of 150 youth certifications which will generate \$3,000. These funds are deposited into the OHV Fund and used towards other youth safety programs.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Parks and Recreation estimates certifying an additional 150 kids over the next 2 biennia at an expense of \$150. These costs are associated with printing and mailing of the certification cards. We do not anticipate any addition costs since we currently offer courses across the state and do not anticipate adding additional courses. Those youth ages 10 and 11 who couldn't previously get a safety certification would now attend the regular courses.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Parks and Recreation anticipates no appropriation adjustment needed if this bill becomes law.

Name: Matthew Gardner

Agency: North Dakota Parks and Recreation Department

Telephone: 701-328-5369

Date Prepared: 01/13/2017

2017 HOUSE TRANSPORTATION

HB 1241

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1241
1/19/2017
27135

- Subcommittee
 Conference Committee

Committee Clerk Signature

Virginia Emment

Explanation or reason for introduction of bill/resolution:

A bill relating to the minimum age required to operate an off-highway vehicle.

Minutes:

1 attachment

Chairman Ruby: opened the hearing on HB 1241.

Rep. Weisz: From district 14, I am here in support of HB 1241. This bill would lower the age of to operate off-road vehicle from 16 down to 10. You would need a safety course. They could drive on their private land or on other public lands with proper supervision.

Rep. Grueneich: For clarification does this mirror the snowmobile legislation? Could a child ride on any state trail that is 10 years' old that is managed by the game and fish or state?

Representative Weisz: Yes, Any public land like a state trial.

Chairman Ruby: If they are in a ditch or traveling from one location to another, is that okay?

Rep. Weisz: I'm not sure, but what the current snowmobile law allows, this allows. Parks and Rec. would need to clarify that. The only thing that would change is the age.

Rep. T. Jones: You are taking this from the age of 16 down to the age of 10 in the presence of a parent or guardian. Has anyone has a discussion on what that means?

Rep. Weisz: I'm not sure there is a definition in code, but that generally means in site of. After the age of 12 they have to have the safety certificate.

Rep. Ownes: In Paragraph 2 line 21-22 shouldn't it read in possession of a valid driver's license or has completed why do we need to have operates off-highway vehicle on private land?

Rep. Weisz: So that I don't have the ability to ride on other people's private land but they can invite me to ride on their land.

Chairman Ruby: There was no further support for HB 1241.

John Roehrich: From State Farm Insurance. We are opposing this bill because we believe the age of the child is too low and that would raise the risk the liabilities.

Rep. T. Jones: How many claims do you get with off-road vehicles accidents?

John Roehrich: I don't have that information but I can get that information for you.

Rep. Schobinger: Does State Farm offer unlicensed recreation vehicle liability insurance?

John Roehrich: I am not sure if we offer that in the form of riders but do believe that this is claim that could be covered under a motors policy or under an automotive policy.

Rep. Dobervich: Is the cost of the off the road vehicle insurance higher for the younger higher risk riders versus the middle age riders?

John Roehrich: I think the concern here more of a home owner's policy. I am not aware of an insurance being written for off the road vehicles.

Chairman Ruby: There was no further opposition to HB 1241.

Matthew Gardner: Recreational Division Manager for the North Dakota Parks and Recreation Department. neutral capacity on HB 1241 and to answer question relating to HB 1241. See attachment #1.

Chairman Ruby: Are they allowed to go along the ditch from point A to point B?

Matthew Gardner: They would be allowed in the ditch to go from point A to point B? The State Century Code allows ditch riding by snowmobiles and ATV's.

Chairman Ruby: Do you require a proof of insurance?

Matthew Gardner: We do require a proof of insurance on the machine.

Rep. Schobinger: I know my sister runs a 4-H Club that offers ATV training Is that part of Parks and Rec. Training?

Matthew Gardner: If it is here in North Dakota we do offer an ATV Safety Training at the 4H Camp in Washburn.

Rep. Schobinger: Are there any helmet laws for people that are under 18 in North Dakota?

Matthew Gardner: anyone under the age of 18 is required to wear a helmet.

Rep. Weisz: I moved a DO PASS.

Rep. Grueneich: Seconded the motion.

Rep. Weisz: Regarding insurance you have to have a policy if you have a rider you need collision or liability only and that covers the rider and they determine the rates.

Rep. Schobinger: Could we ask State Farm about the provisions of the riders' insurance.

John Roehrich: I can get you information back to you.

Chairman Ruby: Thank You. It would be a case by case bases.

Rep. Schobinger: The state requires that we have insurance. Do we also have to have a license to do that for the road use?

John Roehrich: The state requires a license to drive on the road. The insurance requires a separate policy on that.

Chairman Ruby: We have motion for a Do Pass on HB 1241 **YES 13 NO 0**

ABSENT 1 FLOOR ASSINGMENT Rep. Schobinger

Date: 1-19-17
 Roll Call Vote #:

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB1241**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Weisz Seconded By Rep. Grueneich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	X		Rep. Gretchen Dobervich	X	
Vice Chair. Rick C. Becker	X		Rep. Marvin Nelson	A	
Rep. Bert Anderson	X				
Rep. Jim Grueneich	X				
Rep. Terry Jones	X				
Rep. Emily O'Brien	X				
Rep. Mark Owens	X				
Rep. Gary Paur	X				
Rep. Randy Schobinger	X				
Rep. Gary Sukut	X				
Rep. Robin Weisz	X				
Rep. Greg Westlind	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Schobinger

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

REPORT OF STANDING COMMITTEE

HB 1241: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1241 was placed on the
Eleventh order on the calendar.

2017 SENATE TRANSPORTATION

HB 1241

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1241
3/3/2017
28667

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the minimum age required to operate an off highway vehicle.

Minutes:

Attachments #1-4

Chairman Laffen: Opened hearing on HB1241. Attendance taken and all present. Welcome to Representative Robin Weisz.

Representative Weisz: We have a simple bill here lowering the age for riding on public roads or land. We want to give the kids that live in the cities something to do with their parents and keep them away from technology. Private land is just that...whatever happens on your own private land is up to the parents but public property becomes an issue when the drivers are too young. This is just mimicking what we did with snowmobiles, we have no issues that we are aware of with that since we dropped the age. Again this will not affect private land, this is strictly for public property and gives the flexibility for kids to ride with their parents on a public trail or ride in the public parks. They have to have passed the training course, get their certificate and be in the presence of their parents or a guardian.

Chairman Laffen: Do we only have one class of ATV in North Dakota?

Representative Weisz: Yes, I do think it would qualify for all ATVs.

Chairman Laffen: Very simply what does the bill change in the language?

Representative Weisz: Explained the different ages that is in the bill now and what they would like changed. Basically from age 16 down to 10 on public land. Nothing will be changed for private land.

Senator Nelson: Is there a definition of Off Highway Vehicles? Answer: Yes.

Senator Rust: We need a definition of the age language.

Representative Weisz: Basically if you are under 10 on private land you will be able to drive with no problem. Currently it is 16 years old. On public land the new bill will let 10 year olds

drive with a parent or guardian as long as they have passed the training course. If they are 15 and have a driving license they need no parent or guardian with them.

Senator Nelson: What will happen to insurance rates when you drop the age from 16 to 10?

Representative Weisz: That will have to be taken care of by the parents.

Senator Clemens: On the certificate, is that something they would have to present to get into a park then? Are there penalties for this?

Representative Weisz: It's not that they have to present it but if they are stopped they should have it in their possession to prove they are legal. I am not sure if there is a penalty or not. Recreation and Parks might be able to answer that.

Senator Nelson: I am just wondering if you have to have the physical proof with you.
Answer: Yes.

Senator Clemens: ATVs are never allowed on highways but we see so many accidents with them running up and down the ditches and on city streets. I see 12-year old kids doing this.

Representative Weisz: They are allowed on all county roads and each city has their own ordinance on them. Anyone driving them has to have a driver's license then. This bill, we are hoping, will take care of some of the accidents with them not running up and down the ditches and being able to ride with their parents in a public place and parents having the control over them.

Chairman Laffen: Currently you can only ride on public land if you are 16 or older?

Representative Weisz: No, not exactly. If they have completed the training course and have received the certificate, and are 12 and over, they can drive on public land. Private land is a non-issue as they can already do what they want and that will not be changed at all. The riding on public land is what we want changed to age 10.

Chairman Laffen: So a 10 or 11-year old will never be allowed to drive on a public highway?

Representative Weisz: Correct. You will always need a driver's license to drive on the highway in any ATV.

Chairman Laffen: Where do the roadway ditches end up in this discussion? Are they public land?

Representative Weisz: The road ditch is considered public and you can't ride on the up slope so any age limit you are not allowed to ride on the shoulder at any time. That's illegal no matter what.

Chairman Laffen: Ok. Any questions? None. Thank you. Testimony in favor? Opposition?

Mandy Slag, Registered Nurse in the Division of Injury Prevention and Control in the North Dakota Department of Health: See attachment #1

Chairman Laffen: All this bill is trying to say is that 10 and 11 year olds can now go ride with their parents on public land. So why do we think it will increase deaths or accidents. Instead of riding alone on private land they can be riding with their parent on public land. I am trying to understand if there is an implication to safety. I don't see it. These kids can ride the ATVs on private land anytime.

Mandy Slag: We just want to limit any accident or mishaps.

Senator Casper: I am surprised that the percentage of accidents for the younger age group is so low. I expected it to be higher as your testimony is stating the younger (15 and younger) are not as mature and developed and can't handle the speed and the vehicle thus creating more injuries. If the percentage would have been higher it would really make us sit up and take a look.

Mandy Slag: To me any injury is too many.

Senator Casper: Yes. I don't think any injury is a good thing either, but I don't see where us changing this law is going to resolve any drastic increase of injuries because the people are 15 and under.

Senator Nelson: Three hundred and fifty-two injuries are what 18% comes out to. Are any of these injuries reported?

Mandy Slag: It would be reported if they went to the ER, but if not sent to ER there is no report filed. I am not sure on the rules of this.

Senator Rust: Looking back through your testimony I would assume you would recommend all the recommendations of the AAP and the CPSC. Is that correct?

Mandy Slag: Correct.

Chairman Laffen: In the testimony it is stated that no one under 6 years can operate an ATV, and further down it states on private land any one can operate one. Will this law still stay the same?

Mandy Slag: Yes, that will not change.

Chairman Laffen: Any other questions? Testimony in opposition?

Pat Ward: See attachment #2 I have opposed highway operation of ATVs at all times. I recommend a Do Not Pass. There is nothing wrong with the existing bill.

Senator Rust: Off Highway Vehicle, is that a snowmobile? It does say crossing snow.

Pat Ward: I am not sure about that but I understand it to be 3-wheelers, 4-wheelers, and such. I think snowmobiles are separate.

Chairman Laffen: Opposition of HB1241? Neutral testimony?

Matthew Gardner, North Dakota Parks and Recreation Department: See attachment #3. The key components of this bill is that it does require parent or guardian supervision and that the youth take a certified course. Private land definition: Lands not owned by us. Grandpas and Grandmas land, Cousins land, etc. We are neutral on this. Public land does include the ditch. They are not allowed to ride on the shoulder or the in slope but the bottom of the ditch and the out slope is open. Cities and counties do have the opportunity to restrict that further through ordinance, but the main public land is that which is leased by our agencies. We have land throughout the state, trails, parks, motor cross tracks, etc.

Chairman Laffen: This would open it up for 10 and 11 year olds to ride with their parents in the ditch.

Matthew Gardner: Correct. Just restricts them from pavement riding unless they are crossing from one ditch to another. Class 1 OHV, dirt bikes, Class 2 is ATVs with handlebars and seat, Class 3 is a side by side, more designed like a car with a steering wheel.

Chairman Laffen: Looking around the shops, I saw some as big as a car...they are getting bigger.

Matthew Gardner: Our specs for building the trails are for 60" wide and some of the side by sides just don't fit. The other thing I have here is a certification card. When they complete the course they get a certification card in the mail and they need to carry that with them. If they don't have proof, it is a \$20.00 fine. We encourage them to carry their proof in their helmets as then they have it on them at all times. Snowmobile is not an OHV. They have their own section of code.

Senator Nelson: Class 1 is a dirt bike. Class 3 is the huge ones and class 2 is everything else? Go Carts?

Matthew Gardner: Yes, that is correct and you can't license go carts.

Senator Campbell: What do you feel about this bill?

Matthew Gardner: I will answer that in a different way. I have 4 children, and yes they ride these vehicles. Do they take the courses? Yes. I have one that is old enough and he has taken the course. I will leave it at that.

Chairman Laffen: Any other questions?

Senator Clemens: Can you explain the county road rules again.

Matthew Gardner: Currently all loose surfaced roads are open to OHV as long as they meet those requirements, headlights, tail lights, minimum cc size.

Senator Clemens: They can operate on a loose surface county road and do not need a driver's license?

Matthew Gardner: That is correct. In our safety certification courses we cover the rules of the road and operation on loose surface roadways.

Senator Clemens: A young person cannot drive on a highway without a driver's license, right?

Matthew Gardner: Correct.

Senator Rust: Under current law, my grandchild wants to come out to my land and ride on his ATV. Is it illegal?

Matthew Gardner: Correct.

Rust: So it has to be parent or guardian's private land?

Matthew Gardner: Correct.

Matthew Gardner: Basically this mirrors the snowmobile bill that was passed.

Senator Rust: How do injuries and accidents on ATVs compare to injuries and accidents on snowmobiles?

Matthew Gardner: I don't think I can answer that question.

Chairman Laffen: Any other questions? None. Any other neutral testimony on HB1241?

Senator Nelson: I would like to enter into the conversation the hand out that I passed out from Safe Kids. See attachment #4.

Chairman Laffen: Consider it done. **We will close the hearing on HB1241.**

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1241
3/10/2017
29035

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the minimum age required to operate an off highway vehicle.

Minutes:

Chairman Laffen: Opened the hearing on HB 1241. Explained the bill. The bill would allow youth to ride on our state trails with adults at age 10-11. Currently anyone of any age can ride on parent or guardians land. It has been changed to say private land.

Senator Rust: When I think of snowmobiles, I think of heavier clothing, soft snow to land on, the risk of getting seriously hurt is diminished some. Then I think of the ATV's as powerful machines, (Chr. Laffen, as are snowmobiles), and I know the kids enjoy riding and the parents enjoy having them ride with them. I am kind of wondering how I would feel if this bill is passed and then next winter a 10-11-year old gets killed and I think I would have helped that situation along. I am having a hard time debating which way I should go.

Chairman Laffen: Yes, I am going to jump in here as I too am a little conflicted on this one. While I love giving parents control of their own kids there are some parents out there that aren't very good parents. At the same time what the state is doing is saying that this is allowed on our state trails. I am struggling with the thought of are we ready for a 10-year old on our state trails.

Senator Rust: I am not so sure that the parents like having that as a reason to tell their kid no. I would like to say yes but the state says no. It is a cop out but some parents would like that.

Senator Casper: I would advocate that right now 11-year olds can ride in the ditch on the side that is adjacent to the parent's farm field. Private land riding will stay the same but this bill opens up another avenue for the kids to ride with their parents on state trails under the parent's supervision.

Senator Rust: I thought the ditch was still public property.

Senator Casper: Let me retract that, they can ride across their parent's property that is not designed for that kind of vehicle, and we are opening another way they can ride safely on the public trails with their parents. I am going to support this bill.

Chairman Laffen: I agree with that we currently do allow these younger children to ride on private land. This bill which was described to us, will allow the parents to take their children on public state trails, under their supervision, with them riding. The only issue I have is the expansion of the private land. It does increase that area.

Senator Campbell: I would like to comment that this bill would open up a lot more family riding on our public trails. I agree with Senator Casper.

Senator Clemens: My biggest problem with this bill is where a 12-year old can ride his 4-wheeler without his parents being present, and I think a 12-year old is too young to be out on their own.

Chairman Laffen: Committee let's put this bill on hold a bit and think about it.

Senator Casper: Senator Clemens could you explain that comment again so we as a committee are all on the same page here.

Senator Clemens: When the testimony was going on I did try to separate this into groups. One of them is private land, where anybody can ride on, the second group is presence of a parent or guardian, and then if they have a valid driver's license or has completed the safety course on off highway vehicle, it leaves out the parental guidance.

Senator Casper: I don't know if this is a process of law and I will read this and review it before we discuss this again.

Chairman Laffen: Any other comments before we adjourn for the day? None. Ok. We will meet next Thursday.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1241
3/23/2017
29639

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the minimum age required to operate an off highway vehicle.

Minutes:

Chairman Laffen: Opened the hearing on HB 1241. This would allow kids to ride on the state trails with their parents down to age 10.

Senator Casper: Right now on my private land I could have a 10 year-old riding on it wherever they want without supervision. With this bill a 10 year-old would be able to ride, supervised, on public state trails. Right now they have to be 16 to ride on state trails.

Senator Rust: When you go for public lands you go for the ditches.

Chairman Laffen: I don't believe it opens it up to public lands, I believe it only says state trails.

Discussion if public land is also in the new bill.

Senator Casper: I think we should have someone from Parks and Rec come down and explain it to us tomorrow morning and then we can take care of it.

Chairman Laffen: Ok, that makes sense so we will close hearing for today.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1241
3/24/2017
29674

- Subcommittee
 Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the minimum age required to operate off highway vehicle.

Minutes:

Chairman Laffen: Reopened the hearing on HB 1241.

Senator Rust: I move a Do Not Pass on HB 1241.

Senator Nelson: Seconded

Chairman Laffen: Any discussion? This is the ATV bill. We tried to understand exactly what this bill was changing and we were a little frustrated that the bill sponsor was telling us some things that went a lot further than he originally told us and we couldn't even understand the language. The idea from just going from 16 years to 10 years even on your own land may not be such a good idea.

Any other discussion on this? None.

Roll Call taken: Yeas-5, Nays-1, Absent-0. Motion carried for a Do Not Pass on HB 1241.

Senator Laffen will carry the bill.

Chairman Laffen: Closed the hearing.

Date: 3-24-17
Roll Call Vote #: 1

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB 1241**

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Rust Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper		✓			

Total (Yes) 5 No 1

Absent 0

Floor Assignment Laffen

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

REPORT OF STANDING COMMITTEE

HB 1241: Transportation Committee (Sen. Laffen, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1241 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1241

HB1241
1-19-17
#1

HB 1241:

House Transportation Committee
Fort Totten Room, 10:00 A.M.
Thursday, January 19, 2017

Mr. Chairman, members of the House Transportation Committee, my name is Matthew Gardner, Recreation Division Manager for the North Dakota Parks and Recreation Department (NDPRD). I appear today to provide neutral testimony and answer any questions for the committee relating to HB 1241.

Under North Dakota Century Code § 39-29, the Parks & Recreation Department is responsible for administration of the state's off-highway vehicle (OHV) program which includes our youth education and outreach program. We reach over 3,000 youth directly through our safety simulator and other outreach efforts through farm safety related events and sport shows. We also certify 300 youth annually who need this certification to legally operate on public land in North Dakota. Under current law youth ages 12 to 16 must obtain their OHV certification to operate on public land.

Currently, the curriculum used for the ND Off-Highway Vehicle Safety Certification Courses is designed for youth ages 12 to 16 and is offered through classroom, hands-on and online courses. In consideration of this bill, NDPRD would adjust the curriculum to the younger riders, much like we did for the Snowmobile Safety Courses. Last session, Snowmobile North Dakota worked to get legislation passed to allow youth snowmobilers age 10 and 11 to ride on public land. We did experience an increase of participation of those younger kids at our snowmobile courses, with the law change and I anticipate the same for OHV's, if this becomes law. The fiscal note reflects the increase in participation. Overall, we saw little increase in expenses with the snowmobile law change since we did not host additional classes to accommodate these younger riders, they just joined in with everyone else. We expect the increase to taper off at courses as the lower age becomes the norm.

Good parts of the snowmobile law and this bill is that it does require parent or guardian supervision and that the youth takes a certification course. If this is to become law these are key components of the bill. t

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

**Testimony
House Bill 1241
Transportation Committee
Friday, March 3, 2017; 9:00 a.m.
North Dakota Department of Health**

Good morning Chairman Laffen and members of the Transportation Committee. My name is Mandy Slag, and I am a registered nurse in the Division of Injury Prevention and Control in the North Dakota Department of Health (NDDoH). I am here to provide information regarding House Bill 1241.

HB 1241 would lower the age to drive an off-highway vehicle to age ten on public land and allow any age child to operate an off-highway vehicle on private land. Under the bill, on public land, 10-11 year olds would need to be in the presence of a parent, take the off-highway safety training course and receive the certificate or be on private land. Children ages 12 and older do not need to be in the presence of a parent, but would need to complete the same training and receive the certification.

According to the Consumer Product Safety Commission (CPSC), many deaths and injuries occur when an inexperienced driver loses control of an all-terrain vehicle (ATV), is thrown from an ATV, overturns the vehicle, or collides with a fixed object or motor vehicle. The CPSC reports that in 2014, there were an estimated 93,700 ATV related, emergency department treated injuries in the United States. An estimated 26 percent of these injuries involved children younger than 16 years of age. According to the NDDoH Trauma Registry, from 2009 to the first nine months of 2016, a total of 1,953 individuals were injured on ATVs in North Dakota. In North Dakota, 18 percent of ATV injuries were to individuals under age 15.

As public health professionals, the NDDoH follows the recommendations for best practices from reputable and reliable organizations, such as the American Academy of Pediatrics (AAP) whose recommendations form the basis of pediatric preventive health care. The AAP issues policy statements and practice guidelines on a broad range of topics, including childhood injury prevention. The AAP states "Off-road vehicles are particularly dangerous for children younger than 16 years who may have immature judgment and motor skills. Children who are not licensed to drive a car should not be allowed to operate

off-road vehicles. Injuries frequently occur to passengers; therefore riding double should not be permitted.”

According to the Consumer Product Safety Commission (CPSC), more than 90 percent of ATV-related injuries involving children can be attributed to a lack of developmental skills needed to maneuver the faster, more powerful adult ATVs. The CPSC also cites children younger than 16 should be on age appropriate youth models, which are required to travel at lower speeds than adult ATVs and to have an adjustable speed limiter. In fact, the CPSC and many consumer advocates recommend that children age 12 through 15 not ride ATVs with engines larger than 90 cc's. All ATVs should be equipped with a label that indicates the manufacturer's recommended age for that particular model.

The CPSC states that children younger than 6 years of age should never be on any ATV -- either as a driver or passenger. Again, if passed into law, this bill would allow a child of any age (including 6 years and under) to operate an ATV if on private land.

Both the AAP and the CPSC recommend, and NDDoH agrees, that riders wear helmets when operating or riding on ATVs. These helmets should be certified by the U.S. Department of Transportation and/or the Snell Memorial Foundation. The AAP recommends that laws should be passed in all states requiring motorcycle-style helmets for off-road use. Helmet laws have been proven to increase helmet use, and helmet use has been proven to reduce death and serious head injuries.

Because parents may be under the impression that North Dakota laws represent best practices for safety, we have concerns about the impact this bill may have on childhood injury and death rates in our state. The NDDoH suggests that the committee consider the recommendations from the AAP and CPSC regarding age limits for ATV use. At a minimum, any child under age 16 should operate only age-appropriate vehicles, whether on public or private land.

This concludes my testimony. I am happy to answer any questions you may have.

TESTIMONY OF Pat Ward in opposition to HB 1241

Chairman Laffen and esteemed Members of the Senate Transportation Committee, I represent the Association of ND Insurers and State Farm in opposition to HB 1241. We think it is a bad idea to allow children as young as 10 to operate an ATV. These vehicles are inherently dangerous and cause severe injuries and fatalities every year. I am providing you some additional information regarding ATVs and children that might be helpful. It is industry-wide.

<http://nasdonline.org/989/1/d000976/atv-safety-packet.html>

Fatal Injuries

- One-third of all ATV-related fatalities (n=5,239) from 1982 to 2002 were youth under 16 years.
- Central nervous system injuries accounted for 80% of fatalities in ATV-related crashes.
- From 1999 to 2001, there were 698 reported fatalities to youth ages 1-19 years from off-road vehicle crashes. Off-road vehicles include ATVs, snowmobiles, and hovercraft.
- Helmets may reduce risk of death by 42%.

Emergency Department (ED) Treated Injuries (Estimated)

- Youth under 16 years accounted for 37% of ATV-related injury from 1985 to 2002.
- From 2000 to 2002, 103,400 youth under 16 years were treated for ATV-related injuries.
- ATV operators under 16 years are nearly four times more likely than ATV operators over 16 years to experience an injury requiring emergency department treatment.
- From 1995 to 2003, 404,249 youth under 20 years were injured in ATV crashes and treated for nonfatal injuries in an ED.
- Males represent approximately three-quarters (77%) of ATV-related injuries treated in an ED from 1995 to 2003.
- Eleven percent of injured ATV operators seen in an ER are admitted to a hospital.
- Helmets may reduce the risk of nonfatal head injury by 64%.

Cost Data

Cost is calculated by estimating medical expenditure, work lost, and loss of quality of life.

- The average annual cost of nonfatal ATV-related injuries treated in an ER for youth under 17 years is over \$1.4 billion.

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- Hospital admitted ATV-related injuries to youth under 17 years cost over \$5.2 million annually.
- Nearly 80% of the average annual cost of nonfatal ATV-related injuries are associated with males.

POLICY/LEGISLATION FOR PREVENTION

The U.S. Consumer Product Safety Commission (CPSC) and ATV manufacturers signed a 10-year consent decree (1989-1998) with ATV manufacturers to cease production of three-wheeled ATVs; offer safety training; prohibit sales of adult-sized ATVs to youth; promote safety warnings; and develop voluntary ATV manufacturing standards. The proportion of youth ATV-related injury did not decrease during the consent decree.

ATV Action Plan

Participating manufacturers with CPSC agreed to a voluntary ATV Action Plan after the consent decree expired to:

- Not market or sell adult-sized ATVs for use by youth under 16 years
- Ban the manufacture and sale of three-wheeled ATVs
- Promote training and conduct safety education campaigns

Manufacturers can withdraw from the agreement with notice.

Recommended Legislation

The American Academy of Pediatrics recommends legislation in all states to:

- Prohibit use of four-wheeled off-road vehicles by youth under 16 years
- Ban sale of three-wheeled ATVs and recall all used three-wheeled ATVs17

Here's the complete resource from the National Ag Safety Database:

<http://nasdonline.org/989/d000976/atv-safety-packet.html>

Hope this helps! **We urge a Do Not Pass on HB 1241. Thanks and I will try to answer any questions.**

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HB 1241:

Senate Transportation Committee
Lewis and Clark Room, 9:00 A.M.
Friday, March 3rd, 2017

Mr. Chairman, members of the Senate Transportation Committee, my name is Matthew Gardner, Recreation Division Manager for the North Dakota Parks and Recreation Department (NDPRD). I appear today to provide neutral testimony and answer any questions for the committee relating to HB 1241.

Under North Dakota Century Code § 39-29, the Parks & Recreation Department is responsible for administration of the state's off-highway vehicle (OHV) program which includes our youth education and outreach program. We reach over 3,000 youth directly through our safety simulator and other outreach efforts through farm safety related events and sports shows. We also certify 300 youth annually who need this certification to legally operate on public land in North Dakota. Under current law youth ages 12 to 16 must obtain their OHV certification to operate on public land.

Currently, the curriculum used for the ND Off-Highway Vehicle Safety Certification Courses is designed for youth ages 12 to 16 and is offered through classroom, hands-on and online courses. In consideration of this bill, NDPRD would adjust the curriculum to the younger riders, much like we did for the Snowmobile Safety Courses. Last session, Snowmobile North Dakota worked to get legislation passed to allow youth snowmobilers age 10 and 11 to ride on public land. We did experience an increase of participation of those younger kids at our snowmobile courses, with the law change and I anticipate the same for OHV's, if this becomes law. The fiscal note reflects the increase in participation. Overall, we saw little increase in expenses with the snowmobile law change since we did not host additional classes to accommodate these younger riders, they just joined in with everyone else. We expect the increase to taper off at courses as the lower age becomes the norm.

Good parts of the snowmobile law and this bill is that it does require parent or guardian supervision and that the youth takes a certification course. If this is to become law these are key components of the bill.

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

Nelson, Carolyn C.

Attachment # 4 pg. 1
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From: CARMA HANSON <CHANSON@altru.org>
Sent: Thursday, March 2, 2017 10:51 PM
To: Nelson, Carolyn C.; Clemens, David; Rust, David S.; Casper, Jon; Laffen, Lonnie J.; Campbell, Tom S.
Subject: HB - 1241 - DO NOT PASS
Importance: High

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Senate Transportation Committee Members - Tomorrow, you will hear testimony on HB 1241, a bill relating to lowering the age for which children can ride on an ATV. I am currently in Washington DC and will be unable to be there to provide testimony. I also regret that this bill "did not get on my radar" as it made its way through the House of Representatives. **I am asking for a DO NOT PASS on this bill.**

An ATV is a large piece of equipment that weights between 600-800# and travels at speeds up to 70 mph. These vehicles have NO safety features such as roll over bars, seat belts, etc. that are found on vehicles. Children under the age of 16 do NOT have the upper body strength to bring a tipping ATV into an upright position and often are killed or injured not from just head injuries, but from the crushing mechanism that these vehicles cause. These vehicles are often driven on uneven terrain where tipping is a huge reality. A child would be MUCH safer being put behind the wheel of a car at age 10 than an ATV and yet we don't allow them to drive until age 15 (permit at 14, license at 15). Please don't pass this bill and give the perception that this is a safe and acceptable practice. The American Academy of Pediatrics recommends that no child under age 16 should operate an ATV and I would concur with that recommendation due to the above noted factors.

Several years ago, Safe Kids Grand Forks conducted a review of the ATV injuries being seen in our emergency room. The number of incidents is on the rise and allowing younger and younger children to ride on vehicles such as this would only compound that problem. We have seen a number of children killed in our state from ATV deaths that had no business being on such a vehicle. While parents can and do make decisions for their children, they often refer to the law for guidance on what is "safe". Lowering the age to 10 is dangerous and just very bad policy. As an injury prevention expert with over 30 years in the field, I would ask that you do better to protect the children of our state and vote DO NOT PASS on HB 1241.

Again, I apologize that I will not be able to be at the hearing in person tomorrow but will be available on my cell phone or via email should you have questions. Please feel free to reach out to me should you need more information.

Carma Hanson

Carma Hanson, MS, RN

Coordinator | Safe Kids Grand Forks

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