

1999 HOUSE TRANSPORTATION

HB 1416

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1416

House Transportation Committee

Conference Committee

Hearing Date February 4, 1999

Tape Number	Side A	Side B	Meter #
<i>Machine error - no tapes</i>			
<i>Lauren</i>			
Committee Clerk Signature			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON HB 1416; A BILL RELATING TO THE OPERATION OF EMERGENCY VEHICLES.

REP. MICK GROSZ, District 8, introduced HB 1416. He said that it simply made it law for vehicles operating on roads to have to pull over when a emergency vehicle has it's flashing lights on.

REP. PRICE questioned emergency situations where they are transporting patients and simply have their lights on but are traveling the speed limit.

REP. GROSZ deferred the question to the highway officials.

TOM REDMOND, Fire Chief, Turtle Lake testified in support of HB 1416. He noted that yes, there are many times when transfers are being made without sirens but lights are on. Much of

this is to give mention to the seriousness of the matter without alarming the person in the ambulance. Stress tends to be a problem with the siren screaming.

REP. THORPE asked if there are other states dealing with this.

TOM was unsure. He gave several more reasons for the bill, including that sirens attract curious people during fire situations, medical and criminal emergencies. We don't like to have the whole world in the middle of putting out a fire.

BRYCE HILL, Commissioner, Fire and Police Departments in Bismarck testified in opposition to HB 1416. He said that a lot of the problems are with rural fires. He questioned who covers the liability factor in such cases.

REP. KEMPENICH noted that many cars are so sound proof these days that you can't hear the sirens until they are right behind you.

REP. SVEEN asked about the blue light. Are the ambulance and firefighters not to exceed the speed limit when only the blue light is going?

CHAIRMAN KEISER referred to the statute and said that any lights, yellow, red, or blue signalled an emergency.

TOM rose to a point of clarification in that this bill does not address responsibility in privately owned vehicles if the blue light is in use.

CHAIRMAN KEISER CLOSED THE HEARING ON HB 1416.

GENERAL DISCUSSION TOOK PLACE.

REP. KEMPENICH moved a DO PASS on HB 1416. REP. MEYER seconded the motion. The motion carried.

ROLL CALL - 8 YEA, 7 NAE, 0 ABSENT AND NOT VOTING.

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House Transportation Committee
Bill/Resolution Number hb 1416
Hearing Date February 4, 1999

FLOOR ASSIGNMENT - REP. KEMPENICH

Date: 214
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1416

House Transportation Committee

- Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Kempnich Seconded By Rep Meyer

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe		✓
Representative Mickelson, V. Ch.		✓			
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch		✓			
Representative Kempnich	✓				
Representative Price		✓			
Representative Sveen	✓				
Representative Weisz		✓			
Representative Grumbo		✓			
Representative Lemieux	✓				
Representative Mahoney		✓			
Representative Meyer	✓				
Representative Schmidt	✓				

Total (Yes) 8 No 7

Absent _____

Floor Assignment Rep Kempnich

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

REPORT OF STANDING COMMITTEE (410)
February 4, 1999 4:20 p.m.

Module No: HR-23-1957
Carrier: Kempenich
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1416: Transportation Committee (Rep. Keiser, Chairman) recommends DO PASS
(8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1416 was placed on the
Eleventh order on the calendar.

1999 SENATE TRANSPORTATION

HB 1416

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1416

Senate Transportation Committee

Conference Committee

Hearing Date February 25, 1999

Tape Number	Side A	Side B	Meter #
1	x		1,979-3228
February 26, 1999 - 1	x		934-1283
Committee Clerk Signature <i>Alex A. Schaeffer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on HB 1416. Committee members present included: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V. Thompson, and D. Bercier.

REPRESENTATIVE MICK GROSZ, DISTRICT 8 testified in support of HB 1416. It changes the word "and" to "or". Right now, when emergency vehicles go down the road they have to have lights and sirens going, this would change it to one or the other. If someone refuses to pull over if all you have is the lights on there is no infraction.

SENATOR B. STENEHJEM I do have a problem with the siren and no lights because some can't hear it. I understand your intention and I don't have a problem with the lights on and no siren on.

REPRESENTATIVE GROSZ I would have no problem if you wanted to amend it to say the siren and lights or just the flashing lights.

SENATOR B. STENEHJEM Your intention wasn't just to have someone with the siren on to require cars to pull over.

REPRESENTATIVE GROSZ I just took for granted that they would always have the lights on full time when they are going somewhere. I understand your concern.

TOM REDMOND, TURTLE LAKE AMBULANCE AND FIRE testified in support of HB 1416. I asked Representative Grosz to introduce this bill because of my concern about not having to use the siren at all times. There are many rural communities that do many transfers and some of these trips can be very long. There are a lot of cases such as cardiac cases where the siren can add stress to the patient which is something that we don't need. Part of the statutes right now allow for exemptions such as Class A emergency vehicles which are allowed to run stop signs and red lights. Under section 39-10-03, subsection 2b, those exemptions are granted using the siren or the lights. If HB 1416 is passed, this would make it more consistent with the rest of the statutes. The main concern was making sure that we were given the benefit of having the vehicle yield the right of way when we just have the lights on. I've talked to some police officers who weren't aware of the way the statute is written now and they are asking me if they make a routine traffic stop at 2:00 in the morning do they have to use their siren. I told them yes, legally they have to use the siren at 2:00 in the morning. If you see the red lights coming, you should pull over and yield the right of way.

SENATOR COOK Is there a penalty for using lights and sirens when you're not in an emergency? (He gave an example).

TOM REDMOND I don't know if there is a penalty. It is a Class B misdemeanor for persons who disregard the other statutes in title 39 and I would imagine that would apply to ambulance drivers too.

SENATOR O'CONNELL I drove an ambulance and one time I had some kids in a bus accident I had to transport. We had to run with sirens on every once in a while and it put panic in those kids.

SENATOR B. STENEHJEM I don't have a problem with that but with just changing an "and" to an "or" is going to allow someone to be charged when not yielding to an emergency vehicle if all they had on was their sirens. I'd like to have an amendment made so they can have just their lights on or the lights and siren but not just the siren.

SENATOR B. STENEHJEM We will close the hearing on HB 1416.

February 26, 1999-Tape 1-#934

SENATOR B. STENEHJEM I am proposing amendment 90739.0101. It makes it permissible to pull a vehicle over by just having their lights on. It does not allow them to do it by just having their sirens on.

SENATOR O'CONNELL I move to adopt the amendment 90739.0101.

SENATOR SCHOBINGER I second that.

The amendment passed unanimously by a voice vote.

SENATOR COOK I motion for a Do Pass as Amended.

SENATOR SCHOBINGER I second that motion.

A roll call vote was taken (7 Yeas, 0 Nays and 0 Absent and Not Voting).

Senator O'Connell will carry HB 1416.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1416

Page 1, line 7, overstrike "giving an"

Page 1, line 8, overstrike "audible signal by bell, siren, or exhaust whistle" and remove ", or"

Page 1, line 12, overstrike "such" and insert immediately thereafter "that"

Renumber accordingly

Date: Feb. 26, 1999
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 1416

Senate Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Cook Seconded By Sen. Schobinger

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenehjem-Chairman	X				
Sen. R. Schobinger-V. Chair	X				
Sen. Duane Mutch	X				
Sen. Dwight Cook	X				
Sen. David O'Connell	X				
Sen. Vern Thompson	X				
Sen. Dennis Bercier	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator O'Connell

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

REPORT OF STANDING COMMITTEE

HB 1416: Transportation Committee (Sen. B. Stenejem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "giving an"

Page 1, line 8, overstrike "audible signal by bell, siren, or exhaust whistle" and remove "or"

Page 1, line 12, overstrike "such" and insert immediately thereafter "that"

Renumber accordingly