

1999 SENATE TRANSPORTATION

SB 2127

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2127

Senate Transportation Committee

Conference Committee

Hearing Date January 14, 1999

Tape Number	Side A	Side B	Meter #
1	x		3,590-End
2	x		5,430-End
2		x	0-85
2-January 28, 1999 Committee Clerk Signature	x <i>Aori A. Schaeffauer</i>		2301-3573

Minutes:

SENATOR STENEHJEM opened the hearing on SB 2127. Committee members present were:

Sens. Bob Stenehjem-Chairman, R. Schobinger, D. Cook, D. Mutch, D. O'Connell,

V. Thompson, and D. Bercier.

SENATOR THANE, DISTRICT #25 testified in support of SB 2127. There are many people to testify on this bill today. I introduced it on behalf on the North Dakota State Department of Health. I have the pleasure of being the prime caregiver for my two grandchildren; the youngest one just turned three. He is old enough to wear a seat belt but he doesn't belong in a seat belt ;he belongs in a child restraint seat. There isn't any seat belt suitable for a three year old. The shoulder harness doesn't fit quite right and there is slack involved.

I brought along a seat restraint (he showed an example). The other infant seats aren't practical for three year olds. I think this is an excellent piece of legislation. The committee may

have a problem with the penalties, but it's your call to decide. Right now, I feel we have a pretty good compliance in North Dakota. I am aware of that compliance through observation as I take my grandchildren to Day Care.

SENATOR STENEHJEM Are there any questions?

REPRESENTATIVE ROSE, DISTRICT #32 testified in support of SB 2127 (see testimony).

SENATOR STENEHJEM Are there any questions?

REPRESENTATIVE JENSEN, DISTRICT #17 testified in support of SB 2127. You've heard about the first part of the bill dealing with infants. This bill also requires that children (age 5-17) should use a seat belt.

My only concern is the requirement for parents to buy the seat restraint which may be a financial hardship on families. However, for those who cannot afford to purchase a seat restraint, there are programs available through the local health department which can either give or sell the seat restraint at a minimal cost.

SENATOR STENEHJEM Are there any questions?

SENATOR O'CONNELL How would you explain this to people who feel this a backdoor approach in making everyone wear seat belts?

REPRESENTATIVE JENSEN My constituents will be in favor of wearing seat belts because they have shown to save lives. I would offer the protection of saving lives.

SENATOR STENEHJEM Are there other questions?

CAROL HOLZER testified in support of SB 2127 (see testimony). She showed visual examples. So far, we have had good compliance in North Dakota dealing with buckling up our children.

The statistics show 97% of infants and toddlers are in their seat restraints and 60% of children from ages 1-10 are in their seat restraints.

SENATOR THOMPSON I applaud your effort on this subject. Are you also educating?

CAROL HOLZER We do a lot of education. Every time there is a recall, we send it out and publish it. We strongly encourage parents to send in the registration card and they will be notified by agency on recall.

SENATOR O'CONNELL Is the Child Restraint law primary?

CAROL HOLZER It has always been a primary law.

SENATOR STENEHJEM Is there a certain restraint that would be acceptable? Can you explain how one knows which devices are acceptable or approved?

CAROL HOLZER Those that would be accepted have a sticker that says they meet or exceed the approval of federal standards.

SENATOR COOK What would happen in an emergency situation? Would a child have to have a seat belt if that occurred?

CAROL HOLZER It was added into the current law by law enforcement to not require children to wear seat restraints in the case of an emergency such as child abuse.

SENATOR MUTCH On line 13 of the bill, you want to increase the age limit for children to wear seat belts if they are within the age limit of 5-17.

CAROL HOLZER Yes, we are generally recommending those who are over 60 lbs to use a seat belt.

SENATOR O'CONNELL Do you feel the public will think this is just big brother shoving another seat belt law down our throat?



CAROL HOLZER The public is usually more acceptable when it pertains to children.

SENATOR O'CONNELL I don't see that doubling the fee will serve as a deterrent.

CAROL HOLZER As I mentioned, there are only 60% of children from the ages of 5-17 that buckle up now. We need to try something else for that last 40%. Is \$40 too much to ask for the life of a child?

SENATOR BERCIER Which three states currently impose penalty points?

CAROL HOLZER I don't have that information now but I can get that for you.

SENATOR STENEHJEM Are there any other questions?

DR. TODD TWOGOOD testified in support of SB 2127 (see testimony).

SENATOR SCHOBINGER What about 5 year olds? They are pretty fidgety and by that age they've figured many things out. Do you think they will know how to get those safety locks open?

DR. TWOGOOD We're assuming that by the age of five, they will comply more.

JUDY FROSETH, NORTH DAKOTA DEPT. OF TRANSPORTATION, DRIVERS LICENSE AND TRAFFIC SAFETY testified in support of SB 2127 (see testimony).

SENATOR STENEHJEM Do these tables show the children were in restraints?

JUDY FROSETH The tables are all encompassing.

SENATOR O'CONNELL Are we creating a nightmare for law enforcement, especially between the ages of 17 and 18, how do you tell what age they are?

JUDY FROSETH We're trying to work with law enforcement on that. Teenagers are a high risk group and we want them to be safe.

SENATOR O'CONNELL You've locked all teenagers into a high risk group?

JUDY FROSETH We are because they are higher at risk on the charts.

SENATOR O'CONNELL We are also putting a label on those accountable.

JUDY FROSETH I agree.

SENATOR STENEHJEM What would chart look like at age 25? Why did we stop at age 17?

JUDY FROSETH We felt if we reached those at age 17 we would be doing good.

BOB GRAVELINE, NORTH DAKOTA SAFETY COUNCIL testified in support of SB 2127.

We have to remember that safety belts save lives because the driver is not being responsible in many cases. If we look at the statistics we need to keep life in mind.

MARGARET RIECKE testified in support of SB 2127. Only 37% of kids 9-12 never or rarely use seat belts.

PAUL OLSON, NATIONAL FRATERNAL ORDER OF POLICE, testified in support of SB 2127. We support this bill 100%. As a police officer, we have increased our fines and, by personal observation, the fines are working.

SENATOR STENEHJEM With the increased fines, do you feel that paying more money is more of the deterrent or the loss in points?

PAUL OLSON The biggest deterrent is the loss of points on the driver's license, but now even the money is making a difference.

SENATOR COOK Is there an exception? For instance, if these seat belts are being used by other passengers, is it now legal to have a three year old in the back without a seat belt?

PAUL OLSON No, that is illegal.

SENATOR COOK I only have five seat belts. Can my fourth grandchild sit in the back legally?

PAUL OLSON No.

CAROL HOLZER There is a provision that if all seat belts are being used then one child will not be required to be restrained only if there are only five seat belts in the vehicle.

RICHARD K. BJORNSON, NORTH DAKOTA PEACE OFFICERS ASSOCIATION testified in support of SB 2127.

SENATOR STENEHJEM Is there any more testimony in support of SB 2127? Is there any in opposition? Is there any neutral testimony? I will close the hearing on SB 2127.

There was discussion among the committee. January 14, 1999, Tape #2, Side 1

SENATOR THOMPSON I think this bill is a good idea, however, I have two concerns. The first is the point assessment and, also, the requirement for those who are the ages of 5-17.

SENATOR BERCIER I asked about the three states that take points off for lack of using seat belts or restraints on children. The states are Washington, D.C. (2pts); Alaska (no points listed); and Florida (3pts).

SENATOR O'CONNELL I'd like to make a motion to remove the overstrike on \$20.00 and delete the \$40.00 and delete the one point penalty.

SENATOR MUTCH seconded that motion.

The amendment was voted on (6 Yeas, 1 Nay, and 0 Absent and Not Voting).

The amendment was adopted by favor of the Chair.

SENATOR MUTCH motioned for a DO NOT PASS.

SENATOR O'CONNELL seconded that motion.

Senator O'Connell will carry SB 2127.

SENATOR O'CONNELL would like to reconsider SB 2127.

Page 7

Senate Transportation Committee

Bill/Resolution Number Sb 2127

Hearing Date January 14, 1999

January 28, 1999-Tape 2 Meter #2302

SENATOR O'CONNELL I vote to reconsider the action on SB 2127.

SENATOR COOK I'll second the motion.

All Senators voted yes to bring back the bill.

SENATOR COOK I would move on line 7 to remove the overstrike from three and remove five and on line 13 remove the overstrike on "through ten" and overstrike "five". I'm removing the child restraint seat increase from three to five.

SENATOR THOMPSON I second that motion.

SENATOR B. STENEHJEM I'm not going to support this bill. I'm not in favor of putting 10-17 into the primary enforcement of these seat belts. I'm not interested in getting these teenagers harassed. In small towns, the police officers know these kids. I understand what you're trying to do.

SENATOR COOK I've had a change of heart. I don't think you will see a lot of police abuse power over kids. This might help them get into the habit of wearing their seat belt. I can vote for this now if it passes.

SENATOR B. STENEHJEM If we're going this far there is only one step left to take and that is to make it a mandatory seat belt law in the state.

SENATOR THOMPSON I respect the primary issue. Is there anything we can do to address the primary stopping of the seat belt?

SENATOR B. STENEHJEM Put 17 year olds in the secondary enforcement. It would require them to have the seat belts on no matter what position they are in the car.

Roll call was taken on the amendment (4 Yeas, 3 Nays, and 0 Absent and Not Voting).

Page 8  
Senate Transportation Committee  
Bill/Resolution Number Sb 2127  
Hearing Date January 14, 1999

The motion passed.

SENATOR COOK I motion for a Do Pass as Amended.

SENATOR THOMPSON I second that motion.

Roll call was taken on the motion Do Pass as Amended (4 Yeas, 3 Nays, and 0 Absent and Not Voting). The motion passed.

Senator Bercier will carry the bill.

**FISCAL NOTE**

(Return original and 10 copies)

Bill/Resolution No.: SB 2127 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 12-30-98

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

**Narrative:**

This bill will increase the number of children who will be required to ride in a car safety seat or seat belt. It will also increase the penalty for noncompliance.

Fiscal impact is nil.

2. **State** fiscal effect in dollar amounts:

1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds

Revenues:

Expenditures:      -0-                  -0-                  -0-                  -0-                  -0-                  -0-

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

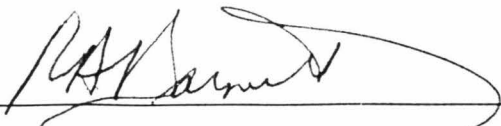
- a. For rest of 1997-99 biennium: -0-
- b. For the 1999-2001 biennium: -0-
- c. For the 2001-03 biennium: -0-

4. **County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

-0-                                  -0-                                  -0-

If additional space is needed, attach a supplemental sheet.

Signed 

Typed Name Robert A. Barnett

Department ND Department of Health

Phone Number 328-2392

Date Prepared: 1-5-99

Date: Jan. 14, 1999  
 Roll Call Vote #: 1

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2127**

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
 or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment

Motion Made By Sen. O'Connell Seconded By Sen. Mutch

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenejem-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) 5 No 2

Absent 0

Floor Assignment O'Connell

If the vote is on an amendment, briefly indicate intent: remove overstrike on \$20.00 + overstrike \$40.00. remove one point penalty

Date: January 28,  
 Roll Call Vote #: 2 1999

**1999 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2127**

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment

Motion Made By Sen. Cook Seconded By Sen. Thompson

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenejem-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) 4 No 3

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent: Remove overstrike from three & delete "fine" on line 7. On line 13 remove overstrike on "throughout" and overstrike "Ame".



Date: January 28,  
Roll Call Vote #: 3 1999

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2127

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. Thompson

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) 4 No 3

Absent 0

Floor Assignment Senator Bercier

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

**REPORT OF STANDING COMMITTEE**

**SB 2127: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, ABSENT AND NOT VOTING). SB 2127 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a penalty"

Page 1, line 7, remove the overstrike over "~~three~~" and remove "five"

Page 1, line 13, remove the overstrike over "~~three through~~" and remove "five through"

Page 1, line 20, remove the overstrike over "~~twenty~~" and remove "forty"

Page 1, remove line 21

Renumber accordingly

**1999 HOUSE TRANSPORTATION**

**SB 2127**

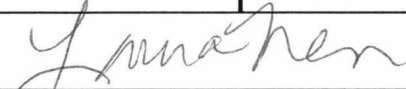
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2127

House Transportation Committee

Conference Committee

Hearing Date March 12, 1999

Tape Number	Side A	Side B	Meter #
1	x		0-55.0
Committee Clerk Signature 			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON SB 2127; A BILL RELATING TO THE USE OF SEATBELTS.

SENATOR RUSSELL THANE, District 25, introduced SB 2127. (See written testimony).

REPRESENTATIVE WANDA ROSE, District 32, testified in support of SB 2127. (See written testimony).

REPRESENTATIVE ROXANNE JENSEN, District 17, testified in support of SB 2127. (See written testimony).

REP. MAHONEY questioned the language change of three to five years.

REP. JENSEN said that they are happy with whatever age. They are simply interested in preserving the safety at whatever age.

CAROL HOLZER, Department of Health, testified in support of SB 2127. (See written testimony). Carol showed examples of car seats available.

REP. MEYER asked why we don't just use weight as the standard rather than the age.

CAROL said that they wouldn't be opposed to this. However, it may be harder for the law enforcement to deal with this.

REP. MAHONEY asked Carol if she had discussed the weight idea with law enforcement.

CAROL said no but that she thought that they might be opposed to it due to lack of resources to accomplish it.

REP. LEMIEUX asked who the violator is in a situation of not being seat belted.

CAROL said that the blame always lays on the operator of the vehicle.

CHAIRMAN KEISER asked if the supply can meet the demand if more child restraint seats are needed in the community. Is there funding there if need be more seats to do this?

CAROL said that it would be allocated in their budget.

JUDY FROSETH, Traffic Safety Program Director, Department of Transportation, testified in support of SB 2127. (See written testimony). She also added that they do receive fund from the National Highway Federation. They are now writing grants for Federal 157 funds.

REP. BELTER asked if there are currently more accidents per million miles driven now than 10 years ago? Have any studies been done?

JUDY said no. She did not have those statistics.

COLONEL JIM HUGHES, Superintendent, Highway Patrol, testified in support of SB 2127. He said that they bill was amended on the Senate side, partly due to the weight concerns. He asked the committee to consider the change of three to five years of weight related. He also noted that

they could handle the weight clause if that is what it took. (See written testimony). Hughes noted that the goal is not to write tickets but to educate about the law.

REP. MEYER asked if the weight wouldn't be a problem.

COLONEL HUGHES said that it may be a problem. Suggestions have been made that would solve the problem without upsetting the Senate. He again said that they would not have a problem enforcing the weight law.

DICK PECK, North Dakota Peace Officers Association, testified in support of SB 2127. They want to go on record as supporting the bill. He noted that education is the key.

JOHN FINSTAD, Lisbon, testified in support of SB 2127. He testified to address the human side of SB 2127. John's daughter, Amy Finstad, was killed on December 5, 1998 four miles from home. She was driving between 44-52 miles per hour and was not wearing a seat belt.

Upon impact, she was ejected from the vehicle and killed instantly. He appeared to say that this was Amy's legacy. He noted that this is a law that every peace officer would like so accidents don't have to happen.

BOB GRAVELINE, ND Safety Council, testified in support of SB 2127.

AMANDA NOBLE, Jamestown, testified in support of SB 2127. Amanda was Amy Finstad's best friend. She said that losing your best friend is the worst thing in the world. This bill means a lot to a lot of people. She urged a Do Pass.

JAMES METZGER, Medina, testified in support of SB 2127. His fiancée was a good friend of Amy Finstad. He urged a Do Pass on SB 2127, stating what a good bill it was and for what a good cause.

BRAD DEVIG, Ransom County Sheriffs Department, testified in support of SB 2127. Brad formerly worked with the Lisbon Police Department and was on duty the day of Amy's accident. He urged a Do Pass and said that passage of this bill would limit the number of fatalities in North Dakota.

MARGARET RUEBKE, ND Nurses Association, testified in support of SB 2127. She gave support from the NDNA. (See fact sheet).

CHAIRMAN KEISER CLOSED THE HEARING ON SB 2127.

#### COMMITTEE ACTION

REP. MICKELSON moved the amendment to return the three year old age to five years old.

REP. PRICE seconded the motion. The motion carried. The amendments were adopted with a unanimous voice vote.

REP. KELSCH moved a DO PASS AS AMENDED. REP. BELTER seconded the motion. The motion carried.

ROLL CALL - 11 YEA, 1 NAE, 3 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. BELTER

LC am. 0201  
Title - 0300

**PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2127**

Page 1, line 7, overstrike "three" and insert "five"

Page 1, line 13, overstrike "three" and insert "five"

Renumber accordingly



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2127

Page 1, line 7, overstrike "three" and insert <sup>immediately thereafter</sup> "five"

Page 1, line 13, overstrike "three" and insert <sup>immediately thereafter</sup> "five"

l# {  
Renumber accordingly

Date: 3/12  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2127

House Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken MOVE AMENDMENTS

Motion Made By REP Mickelson Seconded By REP PRICE

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

Total (Yes) 12 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 3/12  
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2127

House Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DP AS Amended

Motion Made By Rep Kelson Seconded By Rep Belter

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

Total (Yes) 11 No 1

Absent 3

Floor Assignment Rep Belter

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

**REPORT OF STANDING COMMITTEE**

**SB 2127, as engrossed: Transportation Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2127 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "three" and insert immediately thereafter "five"

Page 1, line 13, overstrike "three" and insert immediately thereafter "five"

Renumber accordingly

1999 SENATE TRANSPORTATION

SB 2127

CONFERENCE COMMITTEE

1999 CONFERENCE COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2127

Conference Committee

Conference Committee

Hearing Date March 30, 1999

Tape Number	Side A	Side B	Meter #
3			
April 1 - Tape 1			
April 6 - Tape 2			
April 7 - Tape 1			
April 8 - Tape 1			
Committee Clerk Signature	<i>Ann A. Schaeffer</i>		

Minutes:

SENATOR SCHOBINGER called the conference committee to order. Members present included: Sens. Schobinger, Cook, and O'Connell and Reps. Jensen, Sveen and Grumbo.

SENATOR O'CONNELL Could the House explain why they amended it?

REPRESENTATIVE JENSEN We amended it back to where it was originally to where a child five and under would be in a child restraint seat. We believe it would be safer for the child.

There was discussion.

SENATOR COOK If an eighteen year old is driving and a sixteen year old is in the back seat and does not have a seat belt on, who pays the \$20 fine when they are pulled over?

REPRESENTATIVE JENSEN My guess would be the driver.

SENATOR COOK If five kids under 18 are in the car and none are buckled up, the driver is the only one fined?

REPRESENTATIVE JENSEN That is how it is now.

SENATOR COOK How do you fine a juvenile?

SENATOR O'CONNELL Pull their driver's license; it is a violation.

SENATOR COOK I talked to Colonel Hughes. Instead of fining \$20 take 1 point.

REPRESENTATIVE SVEEN That is all right with me. I do feel it is important to have the five year old in a restraint seat.

There was committee discussion.

SENATOR COOK (He gave a personal example). There are two things about a five year old.

Parents have to have some responsibility to do what is right. Also, I found that if you have all of the seat belts in a vehicle used up, you don't have to have the one year old buckled up. We want to make it safer for kids but parents have to take responsibility.

REPRESENTATIVE SVEEN There are some parents that aren't good or smart parents. If all the parents were good parents, we wouldn't have to worry about it. Seat belts aren't the cure for everything but they've shown that accidents can be prevented.

REPRESENTATIVE JENSEN Statistically, there is no argument that seat belts save lives.

SENATOR SCHOBINGER I think we all agree on seat belts but we don't agree on the age for seat restraints.

REPRESENTATIVE JENSEN What was the rationale for removing the 3 years of age?

SENATOR COOK We made changes not only for a 3 year old but also the teenagers. I had to make a big movement just to support that. We got a bill that actually passed because of the changes; I don't know if it would've passed if we brought it to the floor the way it was.

There was discussion.

SENATOR SCHOBINGER Current law is three and this extends it to five.

SENATOR O'CONNELL Isn't current law up to 65 lbs?

SENATOR SCHOBINGER I think most people think there is a weight limit but there really isn't. The reason I supported moving it back to three was because of some of the numbers they gave us. The numbers were mostly children not buckled up at all. I don't remember any of the numbers they gave us where the child was actually restrained and killed. I told Colonel Hughes that with the seat belt law you should go all the way and have everybody wearing seat belts because the general public will start to get confused with all of these limitations. There is no way they are going to know them if they get picked up. I think what we are really after is having people be buckled up instead of catching them for not buckling up.

REPRESENTATIVE SVEEN I don't think law enforcement is out to catch people, but to educate and help them.

SENATOR SCHOBINGER I didn't say that but I would like to see consistency. A 17 year old unbuckled in the back seat is at no more risk than a 45 year old in the back seat. I struggled with that in supporting the bill.

REPRESENTATIVE SVEEN I never did agree with the seat belts if we couldn't enforce it.

With the restraint, my grandchildren use the restraints automatically but many aren't taught. We



talk about not wanting to mandate but in government we mandate lots of things. If we don't protect these kids, I would think the health insurance would go up.

REPRESENTATIVE GRUMBO With my grandchildren, I find the four year old can push the button on the seat belt and that worries me. A restraint is much safer just because it fits properly but because it takes more pressure to release on the restraint than the seat belt. It took 12 lbs of pressure.

SENATOR SCHOBINGER If we do keep this then how do we deal with the 5 year olds that do not fit in the seat restraints?

REPRESENTATIVE JENSEN If a child was a certain size, the restraint would not be necessary. The only thing we'd have to go on is the word of the Highway Patrol that they are not interested in punishing people but in making sure they are safe. That was addressed in our committee. We decided that we would leave it at an article of faith with the Highway Patrol.

CAROL HOLZER, STATE HEALTH DEPARTMENT

SENATOR O'CONNELL Could you clear some of the weight problems up?

CAROL HOLZER The regular car seat traditionally goes up to 40 lbs and the booster car seat range anywhere from 40 to 70 lbs.

SENATOR O'CONNELL Is there a pound limit now?

CAROL HOLZER No, but the law right now is up to 3 years of age. That is where it gets confusing for parents because the doctor says to keep them in a car seat until 40 or 60 lbs. Some states do have a pound limit.

SENATOR O'CONNELL Who is in violation if someone doesn't sit in the seat?

CAROL HOLZER I think it would be the driver but I think it is under the judgment of the Highway Patrol.

SENATOR O'CONNELL If they are under 16, could they lose their driver's license?

CAROL HOLZER It is rare that an officer issues more than one ticket if there are three kids unbuckled.

REPRESENTATIVE SVEEN Even if they are all under 18.

CAROL HOLZER I can only speak to the child restraint law that goes up to 11 years of age. I can't speak to the older kids.

SENATOR SCHOBINGER What is the average cost of a seat?

CAROL HOLZER A regular car seat is anywhere from \$40 to \$80. They all meet the same federal standards so you could get a basic model for \$40 and deluxe models get more expensive. The booster seats we ordered are \$13 for us and I distribute those to the public health offices and then we sell them for \$10 and if they can't even afford that, we give them the booster seats.

SENATOR SCHOBINGER These booster seats are like a prop up.

CAROL HOLZER Yes, but they have to meet federal safety standards.

REPRESENTATIVE JENSEN The testimony we heard made such an impression on me that I would rather not have them in seat belts than being harmed in a seat belt that doesn't fit properly.

SENATOR SCHOBINGER Could you give us some on fatalities or injuries that happened when the child was buckled up? How many more lives will we save if we change it from 3 to 5 year olds in seat restraints?

CAROL HOLZER It is almost rare for a child under 5 to die because they are being buckled up. The level of injury is much greater for those who are in the seat belts that don't fit properly. We

don't have an injury system in ND that allows me to collect that information. What I know is what I hear from the pediatricians. The lap belts tend to ride up and they put a lot of pressure on the spine and the lower back. The booster seat elevates the child so the force of the crash is spread out.

SENATOR COOK Is it safe to say that since we passed the seat belt law making it mandatory that everybody under the age of 10 needs to be in a seat belt therefore there are more injuries from kids wearing seat belts?

CAROL HOLZER That is what we hear.

SENATOR COOK Senator O'Connell and I brought it back and changed this to make it a workable bill. It's safe to say if you want to see movement in the seat belt laws then you should recede from these amendments and go as is. I did this after conversations with Colonel Hughes. There would be some things that I would like to change as we send it out. We have to be careful with what we do so we don't leave room to have some things happen that we wouldn't want to have happen.

SENATOR O'CONNELL We reconsidered because we didn't think it would get out of the Senate the way it was.

REPRESENTATIVE SVEEN What was the big objection?

SENATOR O'CONNELL Making it mandatory and primary enforcement.

REPRESENTATIVE SVEEN Why were we worried about primary enforcement?

SENATOR O'CONNELL Law enforcement had some trouble with it because they felt they had to have some other reason than pulling one over because they looked 17 or 16. Primary says they can pull you over for it.

REPRESENTATIVE SVEEN It's no big problem if they show the Highway Patrol what age they really are and then they'll be let go. Highway Patrol keep stressing that there will be fair enforcement of this law.

SENATOR SCHOBINGER I agree but we have to pass laws based on how they may apply to people. I would agree with Senator Cook. I don't want to see this bill in trouble but it could be. I don't think there has been a real problem with 3 and 5 in the past. We have to look at what the rest of the bill does.

SENATOR O'CONNELL Let's check out some more information and have another meeting.

SENATOR COOK This is an issue that everyone in ND has a conviction about. The conviction is the role of government on this issue. There are definitely conflicting views on this.

There was committee discussion.

REPRESENTATIVE GRUMBO When it gets as risky as it has been, we have to take a stand. I don't want to lose this bill because those young people are not always using good judgment.

SENATOR SCHOBINGER I agree but parents do need to enter into the equation.

REPRESENTATIVE JENSEN I think parents are confused. They know it's legal up to 3 but they don't know it is not safe. When we don't have a law that requires a child to be in a safe seat and we do require that child to be in an unsafe seat belt then that is not a position we want to be in.

There was committee discussion.

REPRESENTATIVE GRUMBO Are we in agreement that we could swing the up to 17 but it is the 3 and 5 years of age?

SENATOR SCHOBINGER The 17 years of age has been passed already, but we can do anything we want with it. I think we were sent here to look at the 3 to 5.

REPRESENTATIVE JENSEN I think we need some fall back and gathering time too.

SENATOR SCHOBINGER We will adjourn on SB 2127.

APRIL 1, 1999

REPRESENTATIVE JENSEN We'd like to make an appeal to keep it at 3 to 5 year olds in seat restraints. We feel strongly that that is safer for them and we'd hate to think of people buckling them up in a seat belt thinking that they are as safe as they can be and not realizing that there is a better way to be.

SENATOR SCHOBINGER Did you receive the information from Carol?

REPRESENTATIVE JENSEN Yes.

SENATOR SCHOBINGER I noticed bullet number 3 and 4. It talks of the 489 children using seat belts, 41 sustained injuries. In bullet number 4, of the 226 children in a car safety seat, 21 received injuries which is approximately half. To me, it says there is not a real difference in the injury count.

REPRESENTATIVE JENSEN Of the 41, 25 were transported to a medical facility and only 9 of 21 were transported to a medical facility. These statistics support either side.

SENATOR O'CONNELL Carol, how does the age three work?

CAROL HOLZER The current law states that at age 3 they can legally go into a seat belt.

SENATOR O'CONNELL Could you reflect on the information that was passed out?

4-1-99

CAROL HOLZER Percentage wise, it is about half but Representative Jensen's point was basically what I was trying to say in that the level of the injuries may have been more severe and, as a result, they were transported.

REPRESENTATIVE SVEEN How many states have this legislation?

CAROL HOLZER We do have information on the number of states that have it. This is recommended by the American Academy of Pediatrics.

REPRESENTATIVE SVEEN If the American Academy of Pediatrics supports this then we should respect that. I'm worried about the size of the child and where the seat belts sit on the child.

SENATOR COOK There are people who are keeping children in a safety seat after they've turned 3. What is it that could be done to get more people to put them in a safety restraint seat without legislation mandating it?

REPRESENTATIVE SVEEN It would be up to the Highway Patrol to stop people but I don't know if they'd have the right to do it. This would give them the authority to stop these cars and educate the parents but they don't have to apply a penalty.

SENATOR COOK Does the information that gets sent out to the parents when they take the baby home from the hospital say this is what the law is or what we recommend?

There was committee discussion.

CAROL HOLZER The state of ND has put together the "Law of Love" card. It explains what the law says which is that under 3 they have to be in the safety restraint seat and from 3-10 they need seat belts or car seats. On the other hand, the other pamphlets is information we get from the American Academy of Pediatrics or The National Safe Ride Organization and that says to

4-1-19

keep your child in a car safety seat until they are 40 lbs and after 40 lbs put them into a booster seat until 60 to 70 lbs. The state information gives the age and the other information gives the weight.

REPRESENTATIVE JENSEN Is there a way we could change the language in subsection 1 of section 1 so that it would be less of a mandate. Perhaps by not making the child restraint seat subject to fine but by warning or something.

REPRESENTATIVE SVEEN Or a series of warnings and after those warnings do something about it.

REPRESENTATIVE JENSEN That way we could get the word out to parents that this is something important enough to make a law.

REPRESENTATIVE SVEEN If a professional is giving the advice, as a parent, I should take that information very seriously. If I don't then that is not being fair to the child. I agree with Representative Jensen.

REPRESENTATIVE JENSEN When the law says a child can go into a seat belt safely that is creating a problem because parents now believe that is a safe place for their children.

REPRESENTATIVE GRUMBO The information that caught my eye is the fact that the number that was surveyed as far as the weight of the 3 and 4 year old shows how the seat belt fits. I felt uncomfortable with the way the seat belt fit them.

There was committee discussion.

SENATOR O'CONNELL I move that the House recedes from their amendments.

SENATOR COOK I second.

4-1-99

SENATOR COOK The parents have the responsibility to seek out opinions but I have a difficult time with government mandating opinions. We have to draw a line on the government's role.

REPRESENTATIVE SVEEN That is the difference we are struggling with.

REPRESENTATIVE JENSEN In this case, the law already mandates that a child past his second year can legally be put in a seat belt which we know is not safe for them. We already have something in the statute that is not beneficial for them.

SENATOR SCHOBINGER It is dangerous for them to be in a car at all under these types of arguments.

REPRESENTATIVE SVEEN That is not realistic.

SENATOR COOK Ten years ago, people were discussing whether it should be 3 and then they mandated that they should have lap top seat belts on now we are here finding out that that was not a wise decision. That is a government mandate that is causing harm.

The roll call vote was taken for the House to recede from its amendments (3 Yeas and 3 Nays).

SENATOR COOK Could you come up with language that says ND highly recommends that all children are kept into safety restraint seats until they reach 40 lbs.

SENATOR SCHOBINGER I would make a compromise and agree to the five year old if we make 5-17 to the secondary enforcement.

REPRESENTATIVE JENSEN I would suggest changing this so that it is less severe and making the violation applicable only to the 5-17.

SENATOR COOK For the child restraint seat, there would be no penalty. There would only be a penalty to the second part.



4-1-99

REPRESENTATIVE JENSEN If that would make it acceptable to allow the language to remain but not have a serious fine so it would be more educational.

REPRESENTATIVE SVEEN We could make it to 4 years of age instead of 5.

SENATOR COOK If you stay on the penalty for 5-17 instead of the \$20 fine make it 1 point and make sure that we don't allow for a situation where there is 6 sixteen year olds and the driver could get six tickets. We would have to have it where they could only get 1 point.

There was committee discussion.

SENATOR COOK Could you research for us on how many tickets were issued for child restraints?

SENATOR SCHOBINGER We will adjourn on SB 2127.

APRIL 6, 1999 - TAPE 2

SENATOR SCHOBINGER I mentioned a compromise to the House on changing the age if they go to secondary.

REPRESENTATIVE JENSEN I would not be able to support making the seat belt secondary but I would be able to come down to 4 years of age. This is very similar to 29 other states.

SENATOR COOK Explain if it was moved to 18 and primary, if there was a car with 4 kids and a police man stops them because they look under the age of 17 what would he do?

REPRESENTATIVE SVEEN Stop the driver. If he is 18 then there wouldn't be a problem.

SENATOR COOK If he is 18 and the rest of the passengers are under 18 then he is breaking the law.

4-6-99

CAROL HOLZER They would get one ticket for every instance. The driver would get one citation for not having them in seat belts. In other states, it would fall under the individual's responsibility.

There was committee discussion.

REPRESENTATIVE GRUMBO When we speak of secondary and primary, it scares me to think that the highest risk group are still under secondary reinforcement. We can't weaken the law any more than it already is when we say the driver is the only one that can be cited.

SENATOR O'CONNELL How about amending it to not letting any city charging over \$20 for a fine.

REPRESENTATIVE JENSEN My initial thought is that it would not be appropriate to take away local control but I would be willing to hear more.

SENATOR COOK Or we could make it no fine but take away 1 point.

There was committee discussion on the history of Bismarck's fines.

REPRESENTATIVE SVEEN I would put a limit on it but not make it lower.

SENATOR COOK Speaking of local control, I think the people of ND would support the 1 point on the driving record rather than the city having the right to increase fines.

REPRESENTATIVE JENSEN I saw overwhelming support in this hearing. They want help from the law in influencing children to buckle up. I move that the House recede from its amendments to make 3 to 5 and further amend to reduce it to "up to 4". That way children 2 to 3 are still included to be in the child restraint seat.

REPRESENTATIVE SVEEN I second.

There was committee discussion.

4-6-99

REPRESENTATIVE SVEEN Your concern is primary and secondary enforcement?

SENATOR COOK And the fine.

There was committee discussion on the reason for the conference committee and what was the issue.

The roll call vote was taken. The motion failed.

SENATOR COOK Regarding the fine changing to points, would you be willing to remove the \$20 fine and make it a maximum of 1 point?

SENATOR O'CONNELL Also, by limiting the cities on the dollar amount.

REPRESENTATIVE SVEEN We will talk about it.

REPRESENTATIVE JENSEN I could support changing the dollar amount to 1 point, but I could not support limiting the cities. That would kill the bill in the House and I don't want it killed. I don't want to take away local control.

SENATOR COOK If you insist that it stays primary and not secondary you could pursue it and possibly accomplish it if you support the 1 point and no fines.

There was committee discussion on how it passed the Senate.

SENATOR B. STENEHJEM We will adjourn until our next meeting.

April 7, 1999 - Tape 1

REPRESENTATIVE JENSEN We are able to budge from 3 to 4 on the child restraint seat but we are not comfortable with changing the primary enforcement and eliminating the local control.

We may be able to negotiate on the one point.

SENATOR O'CONNELL Will the primary enforcement affect the patrol?

4-7-99

COLONEL JIM HUGHES DOT has money available to use for the education on seat belt enforcement. We would implement this law as we had years ago and other law enforcement will also follow those guidelines. In the negotiations with law enforcement and DOT, we disagreed on using that money for education. We are in the process of setting up an education period for people this bill affects. I'm not sure where we'll be now with the disagreements, but we're missing the opportunity if we make this secondary. If it was secondary, any officer can find a reason to pull someone over if they want to be overzealous. If it was primary, it presents a mental image that you must wear the seat belt. Secondary sends the message that as long as you follow the other rules, you don't have to comply to this one.

SENATOR SCHOBINGER At what point in the secondary offense, do you determine if you'll pull someone over.

COLONEL HUGHES If we see someone not wearing the seat belt, we can't do anything except for the child restraint seat. If I pulled you over for something else, then I can enforce the seat belt.

SENATOR SCHOBINGER Do you have give a ticket for both?

COLONEL HUGHES I don't have to write two citations.

SENATOR SCHOBINGER If a group doesn't have a seat belt on (if this were to pass), how would your reaction change?

COLONEL HUGHES I might not be able to determine the difference in age. An officer has to have a reasonable cause to pull them over.

4-7-99

SENATOR SCHOBINGER If you were to pull someone over for seat belts if they look under 18 and are actually over 20 and you see they have drugs in the car, are there any ramifications and legality of the stop at that point?

There was committee discussion.

COLONEL HUGHES Whether they were under 18 or over 18, neither circumstance would be legal. It is not admissible unless I had a reasonable cause to pull you over. The idea is not behind how many people will get tickets. The voluntary action outweighs the enforcement.

REPRESENTATIVE JENSEN If there were four teenagers in the car and they were pulled over for not wearing a seat belt, who would get the ticket and would there be a difference if the driver was 16 or 18?

COLONEL JIM HUGHES The driver. Follows logic that we could not issue a ticket to a three year old if they aren't buckled up.

There was committee discussion.

SENATOR COOK If there were four 16 year olds in the car and all had alcohol, they would all get minor in possessions, how would this be different?

COLONEL JIM HUGHES That is true, it is up to the officer.

SENATOR COOK How about changing the \$20 fine to one point?

COLONEL JIM HUGHES It doesn't matter to us what the fine is or the point is because we will enforce either but it would be easier for us if you changed it to a point.

SENATOR COOK What would be more effective to get a teenager to buckle up?

COLONEL HUGHES The points because they affect insurance.

4-7-99

SENATOR COOK When a teenager takes the driving test, are they given a run down on the rules?

COLONEL HUGHES We no longer give the driving test but we can inform the kids through the education system we are planning. The comments from my counterparts feel this would be a wonderful step. This is one of the most significant pieces of safety legislation.

SENATOR O'CONNELL If there were four people under age in the car unbuckled, how many points can be assessed to the driver?

COLONEL HUGHES One citation and one point.

REPRESENTATIVE JENSEN Would you be ready to support the one point if we come down to age four?

SENATOR COOK Should we put an effective date on it?

COLONEL HUGHES No, we still have to enforce the law up to 3.

SENATOR COOK That will still be in place; the effective date would put in the changes.

SENATOR SCHOBINGER Would you be opposed to changing it to the 1st offense on line 20?

COLONEL HUGHES That would be hard to track.

There was committee discussion.

REPRESENTATIVE JENSEN I move to change the age of 5 to 4 and on line 20 change the fine of \$20 to not more than 1 point.

SENATOR COOK There is a number of people that have a real problem with what the cities are doing to their fines.

SENATOR SCHOBINGER The cities didn't have the authority to fine for not using seat belts before the seat belt law?

4-7-99

CAROL HOLZER Grand Forks did have a city ordinance to fine for seat belts and a couple of reservations passed resolutions.

SENATOR SCHOBINGER It's okay if they had the authority before the seat belt law.

April  
~~March~~ 8, 1999

SENATOR SCHOBINGER We were thinking that a fair compromise would be to compromise on the age and make it four and then make it so if they pick someone up under this section which is 17 and under they can take one point but no more than that point. We want to get around someone being picked up and fined 1 point and a \$50 fine.

There was committee discussion.

SENATOR COOK Does this actually limit the cities? We're saying that cities cannot limit the fines for primary enforcement.

SENATOR SCHOBINGER It is not punishable for more than one point. Can we still add "Legislative intent" in a bill?

SENATOR O'CONNELL Yes.

SENATOR COOK I move the House recede from its amendments and make the age 4, change the \$20 fine to not more than 1 point and this will stay a primary reinforcement.

SENATOR O'CONNELL I second.

There was committee discussion.

The roll call vote was taken (6 Yeas, 0 Nays and 0 Absent and Not Voting).

#2

(Bill Number) SB 2127 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Senator Schobinger yes
Senator Cook no
Senator O'Connell no

For the House:

Representative Jensen yes
Representative Juen yes
Representative Grumbo yes

[ ] recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

[ ] and place \_\_\_\_\_ on the Seventh order.

[ ] , adopt (further) amendments as follows, and place
\_\_\_\_\_ on the Seventh order:

[ ] having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the
calendar.

DATE: 03 / 30 / 99

CARRIER: \_\_\_\_\_

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_



(Bill Number) SB 2127 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Senator Schobinger Yes  
Senator Cook Yes  
Senator O'Connell Yes

For the House:

Representative Jensen No  
Representative Green No  
Representative Gumbo No

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)  
723/724      725/726      S724/H726      S723/H725  
the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

and place \_\_\_\_\_ on the Seventh order.  
727

, adopt (further) amendments as follows, and place  
\_\_\_\_\_ on the Seventh order:

having been unable to agree, recommends that the committee be discharged  
and a new committee be appointed. 690/515

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the  
calendar.

=====  
DATE: 04/01/99

CARRIER: \_\_\_\_\_

LC NO. \_\_\_\_\_ . \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ . \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_  
=====

(1) LC (2) LC (3) DESK (4) COMM.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2127

That the House recede from its amendments as printed on page 770 of the Senate Journal and page 857 of the House Journal and that Engrossed Senate Bill No. 2127 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points; and to" and after "reenact" insert "subsection 2 of section 39-06.1-06 and"

Page 1, line 2, after "seatbelts" insert "and restraints"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.

**SECTION 2.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Failing to have a minor in a child 1 point  
restraint system or seatbelt in  
violation of section 39-21-41.2"

Page 1, line 7, overstrike "three" and insert immediately thereafter "four"

*Page 1, line 13, overstrike "three" and insert immediately thereafter "four"*

Page 1, line 20, overstrike "Violation of this subsection is punishable by a fine not to exceed twenty dollars."

Page 1, line 21, overstrike "3."

Re-number accordingly

REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE) - 420

07398

(Bill Number) SB 2127 (, as (re)engrossed): #4

Your Conference Committee

For the Senate:

Senator Schobinger Yes  
Senator Cook Yes  
Senator O'Connell Yes

For the House:

Representative Jensen Yes  
Representative Green Yes  
Representative Guimbo Yes

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)  
723/724 725/726 S724/H726 S723/H725  
the (Senate/House) amendments on (S/J/HJ) page(s) 270 - \_\_\_\_\_

and place \_\_\_\_\_ on the Seventh order.  
727

, adopt (further) amendments as follows, and place  
\_\_\_\_\_ on the Seventh order:

having been unable to agree, recommends that the committee be discharged  
and a new committee be appointed. 690/515

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the  
calendar.

DATE: 04 / 08 / 99

CARRIER: \_\_\_\_\_

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

(1) LC (2) LC (3) DESK (4) COMM.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2127, as engrossed:** Your conference committee (Sens. Schobinger, Cook, O'Connell and Reps. Jensen, Sveen, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 770, adopt amendments as follows, and place SB 2127 on the Seventh order:

That the House recede from its amendments as printed on page 770 of the Senate Journal and page 857 of the House Journal and that Engrossed Senate Bill No. 2127 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points; and to" and after "reenact" insert "subsection 2 of section 39-06.1-06 and"

Page 1, line 2, after "seatbelts" insert "and restraints"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, no fee may be imposed by the state, a city, or a county including a city or county operating under a home rule charter.

**SECTION 2.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

<u>Failing to have a minor in a child restraint system or seatbelt in violation of section 39-21-41.2"</u>	<u>1 point</u>
--	----------------

Page 1, line 7, overstrike "three" and insert immediately thereafter "four"

Page 1, line 13, overstrike "three" and insert immediately thereafter "four"

Page 1, line 20, overstrike "Violation of this section is punishable by a fine not to exceed twenty dollars."

Page 1, line 21, overstrike "3."

Renumber accordingly

Engrossed SB 2127 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY

SB 2127



# NORTH DAKOTA HOUSE OF REPRESENTATIVES



Representative Wanda Rose  
District 32  
1429 Pocatello Drive  
Bismarck, ND 58504

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360

COMMITTEES:  
Human Services  
Political Subdivisions

## Testimony on SB 2127 January 14, 1999

Chairman Stenehjem and Members of the Senate Committee on  
Transportation.

For the record I am Wanda Rose, Representative from District 32 here in  
Bismarck.

I come before your committee in support of SB 2127.

Starting with the first ride home from the hospital a child should be placed  
in a child safety seat. Child safety seats reduce the risk of fatal injury by 69  
percent to infants (less than 1 year old) and by 47 percent for toddlers (1 to 4  
years old).

In 1996, motor vehicle crashes claimed the lives of more than 2,000  
children. In 1997, 593 children under age 5 died in passenger vehicle  
crashes; 54 percent of these were totally unrestrained. These children could  
have been saved had someone ensured that they were properly seated in a  
child safety seat or buckled up and seated in the rear of the car.

The National Safety Council (NSC) reports that injuries received in traffic  
crashes are the leading cause of all injury-related deaths in America and the  
leading cause of death for people ages 6 through 24. According to dozens of  
safety studies, seat belts are the most effective way to reduce this tragic toll.  
During the past 10 years, traffic-related deaths and injuries have declined  
due to a substantial increase in seat belt use. Between 1983 and 1997, seat  
belt use in the United States rose from 14 percent to 69 percent of  
occupants, an increase that has been attributed to the passage of seat belt use  
laws

To help combat child passenger injuries and deaths, all states have passed some form of child restraint legislation. Although these laws have proven to be an excellent way of keeping child passengers safe in vehicles, some of them, like ours in North Dakota, does not offer comprehensive coverage for all children. North Dakota current law allows a three year old to use a seat belt rather than a child restraint. Seat belts used by small children usually do not fit properly. Also, children age 4 and about 40 pounds may be too big for regular safety seats and too small for regular safety belts requiring use of a booster seat to make safety belts fit better.

When child safety seats are used correctly they reduce the risk of fatal injury by 69 percent for infants and 47 percent for toddlers. One way to keep children safe is to ensure that they are properly buckled up and seated in the back seat.

In North Dakota children ages 11-17 are required to buckle up in accordance to the state's seat belt law, but this only applies if they are riding in the front seat of the vehicle and only has a secondary enforcement provision. This bill will require children who are passengers ages 11-17 regardless of where they sit in the vehicle to use seat belts.

Thank you for your time and I urge your support of SB 2127

**TESTIMONY IN SUPPORT OF  
SB 2127  
DR. TODD TWOGOOD**

Mr. Chairman, Senators, my name is Dr. Todd Twogood. I am a pediatrician at MedCenter One here in Bismarck and am speaking on behalf of the American Academy of Pediatrics. I am in support of this legislation which would increase the number of children riding in car seats and seat belts.

The American Academy of Pediatrics recommends that children under 40 pounds ride in a forward-facing car safety seat with a harness or shield. Growth charts from the National Center for Health Statistics show that most children do not reach 40 pounds until they are three or four years of age. Unfortunately, many parents take their children out of the car seats and use a seat belt when the child reaches age three, even though the child may only weigh 30 pounds. Seat belts seldom fit a three- or four- year old child properly. If the seat belt does not fit correctly, serious spinal and abdominal injuries can happen in a crash. The harness straps in a car seat distribute the forces of the crash to the bony areas of the child's body that are more capable of withstanding those forces.

Another issue that needs to be addressed is the developmental level of a three-year old child. When we place a three-year old child in a seat belt, it is easier for them to wiggle around and loosen the belt or even unbuckle themselves. The harnesses in a car safety seat require 12 pounds of force to open, and most young children are unable to exert that pressure. Developmentally, young children do not understand an explanation of the dynamics of a crash and why they must keep their seat belt on.

The AAP also supports extending seat belt coverage for children over 10 years of age. After the first year of life, motor vehicle crashes are the leading cause of death and serious injury to children and adolescents. Our children do not die from diseases – they die from accidents – most of which are preventable. An immunization is readily-available for preventing these fatalities – it's called a seat belt. Motor vehicle injuries are the most costly of all pediatric injuries, with direct medical costs approaching \$3 billion annually.

On behalf of the children in North Dakota, the American Academy of Pediatrics encourages a “do pass” recommendation on this legislation.



**TESTIMONY IN SUPPORT OF SB 2127**  
**Carol Holzer, ND Department of Health**  
**Senate Transportation Committee**  
**January 14, 1999**

Mr. Chairman, Senators, my name is Carol Holzer. I am the director of the Injury Prevention Program in the State Health Department. Our department has requested that the state's child passenger safety law be amended as follows:

- (1) Require children under age 5 to ride in a car safety seat. Current law allows a three-year old to use a seat belt rather than a car seat. This can be very confusing for parents who have been told by their doctor or who have read that their child should stay in their car seat until 40 pounds and a booster seat until 60 pounds. Parents believe that because the law allows them to use a seat belt at age three, that it is safe to do so.

We are concerned when a three-year old child rides in a seat belt because the belts generally do not fit the child properly. The shoulder portion crosses the neck or face and the lap portion rides high on the tummy, not down on the bony hips. Oftentimes, the shoulder belt is placed under the child's arm (a very dangerous practice) or behind the child's back (which reduces the seat belt to a lap-belt only).

- (2) The second proposed change would require seat belt use by children from age 10 through 17. The current child passenger safety law requires seat belt use through age 10. To some extent, children over age 10 are already required to ride buckled up – under the state's seat belt law. However, the seat belt law applies only to front seat occupants. The child passenger safety law applies to any seating position. The Department of Transportation will be providing more specific information on deaths and injuries and seat belt use by children over age 10.
- (3) The third change would increase the penalty from \$20 to \$40 with one point against the driving record. The penalty has not been increased since the law was enacted and we believe \$20 is a small price to pay for risking a child's life. By raising the penalty, we are hopeful that drivers who still refuse to buckle up children, will have an additional incentive to do so. All states have child passenger safety laws, with varying penalties. Eight states have maximum penalties of \$20 or less; 19 states have penalties from \$25 to \$49; and 24 states have penalties

of \$50 to \$100. Three states currently assess points against the driving record. Minnesota's fine is \$50; Montana's is \$25, with \$100 for the second offense; South Dakota's is \$20; Utah is \$75; and Wyoming is \$50 with \$100 for the second offense. In North Dakota, Bismarck recently adopted a \$60 fine and Fargo's fine is \$120.

Mr. Chairman and committee members, our agency is committed to providing safe transportation for the children of North Dakota. We currently have car seat distribution programs in almost all counties within the state. Those counties that do not have a program receive car seats through sites in neighboring counties. The programs are administered through hospitals, public health departments, or civic groups. Car seats are either given away or rented for a small fee. Some of the car seats are purchased with funds from the Department of Transportation; others are purchased with funds generated through the rental/sales of seats. Our office provides training to local programs and we conduct car safety seat check-ups (in the summer months) so we can assist parents with proper use and installation of their car seats. We have recently begun a campaign entitled "Give Your Child A Boost" to encourage parents to use booster seats for children from 40 to 60 pounds. We have provided additional booster seats to public health agencies and have received approval from the Department of Transportation for funding to purchase more boosters.

North Dakota's child passenger safety law, combined with education, has been effective in increasing the number of children who ride buckled up and in reducing deaths and injuries to young children. We would like to take a similar approach to reduce motor vehicle deaths and injuries to our adolescents. We urge a "do pass" recommendation on this bill.

# SENATE TRANSPORTATION COMMITTEE

January 14, 1999

**North Dakota Department of Transportation  
Judy Froseth, Traffic Safety Program Director**

## SB 2127

---

Mr. Chairman and members of the Senate Transportation Committee: We support SB 2127 because it will save lives and reduce injuries to young people involved in traffic crashes, especially high-risk beginning drivers.

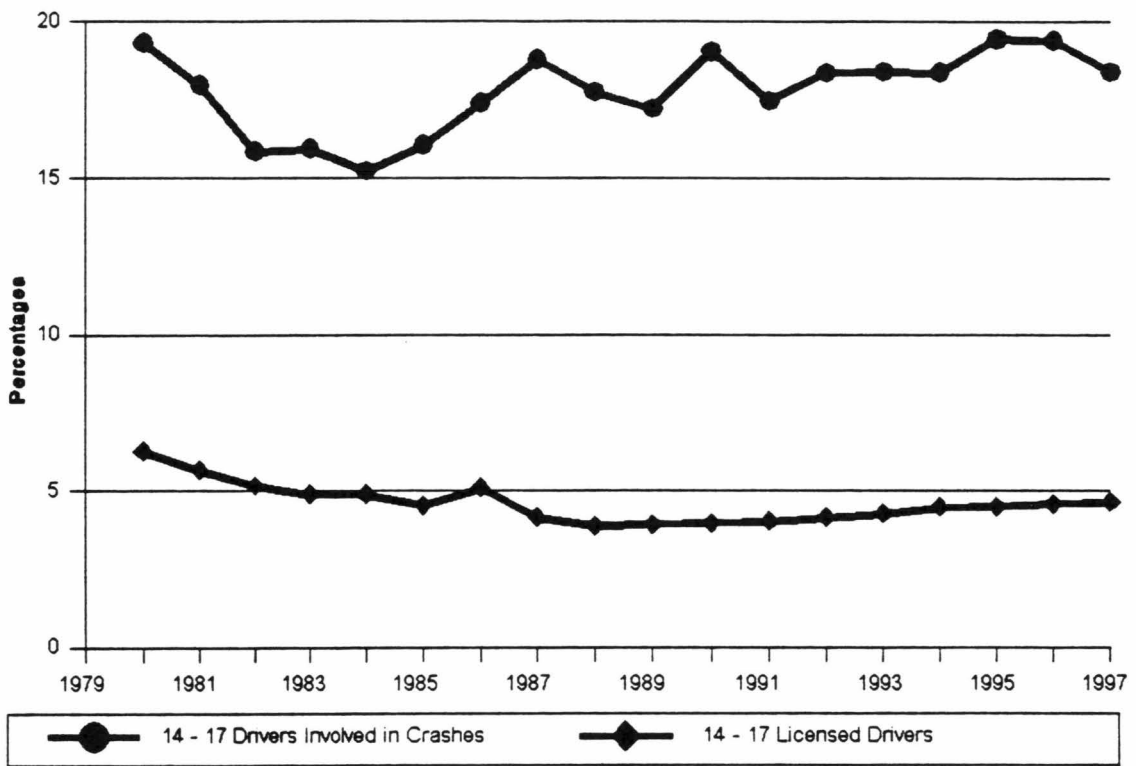
My statements involve data from the North Dakota crash records and driver license systems. Because reading statistics can be less than exciting, our research analyst has prepared several graphs and a table that are included in your handout.

Questions may be raised about extending safety belt coverage through age 17. These young people are risk takers as well as novice drivers. This is shown in the chart with two lines. The lower line shows the percentage of drivers in the 14-17 age group. We would expect their crash picture to follow in a similar manner. However, the top line shows the percentage of their crash involvement. Their over-representation in traffic crashes is roughly three to four times what would be expected.

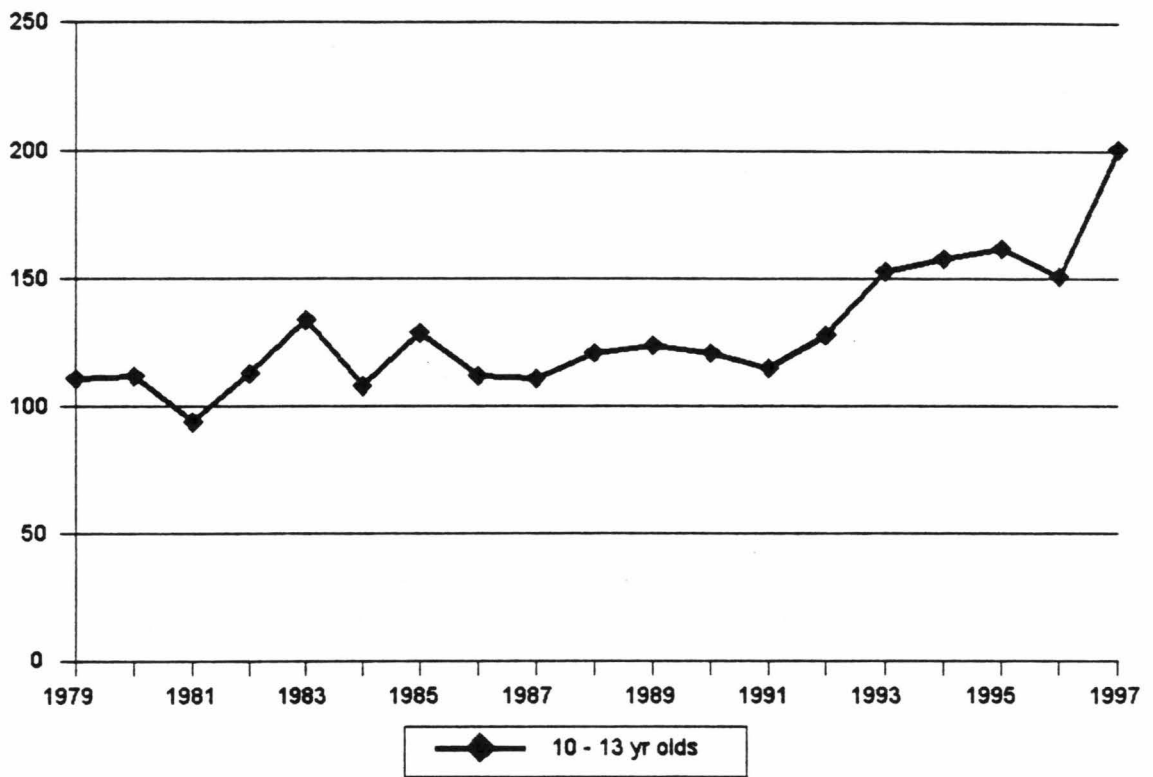
The next four line graphs show trend data. Occupant injuries for both the 10-to-13-year-old and 14-to-17-year-old age groups are increasing. Crash involvement for drivers 14-17 years of age has also increased. These youth need protection that safety belts offer. We believe they will be more likely to buckle up if they have the incentive of an occupant protection law. The final trend chart shows that the number of traffic crashes has steadily increased each year since 1988.

The final table shows the numerical figures used to develop the tables.

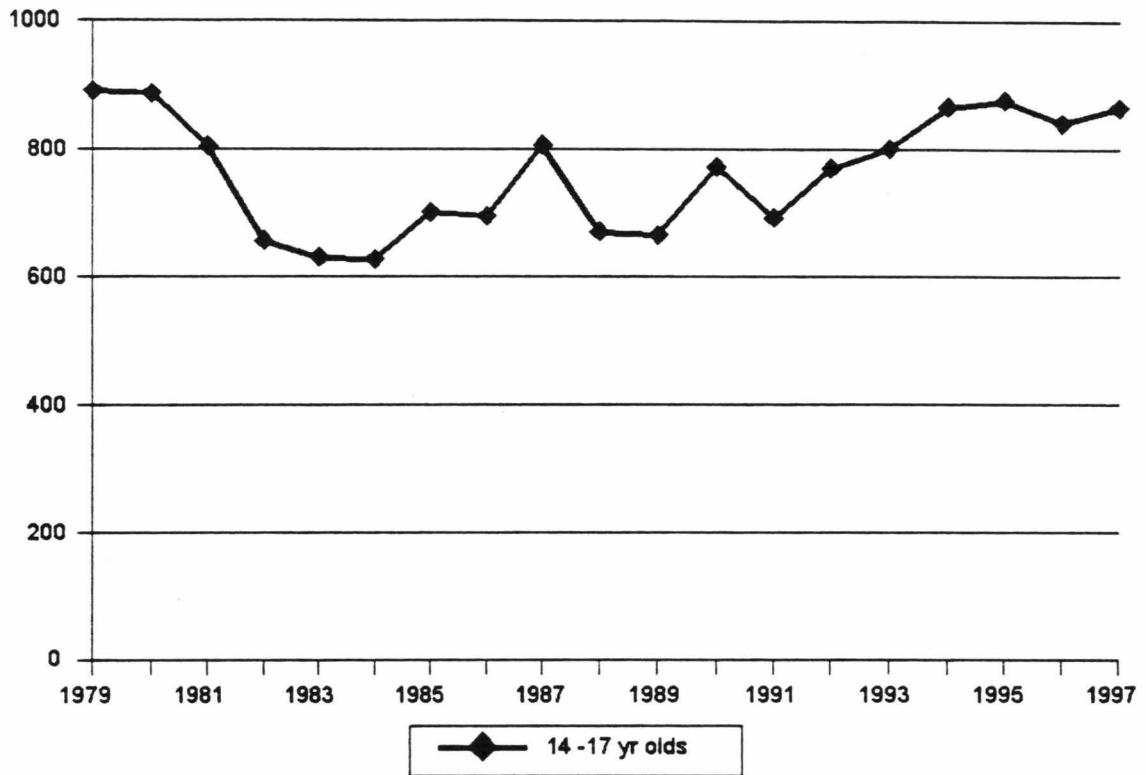
Percentage of 14 - 17 Licensed Drivers  
Compared to 14 - 17 Drivers In Crashes



## Occupants Injured in Crashes

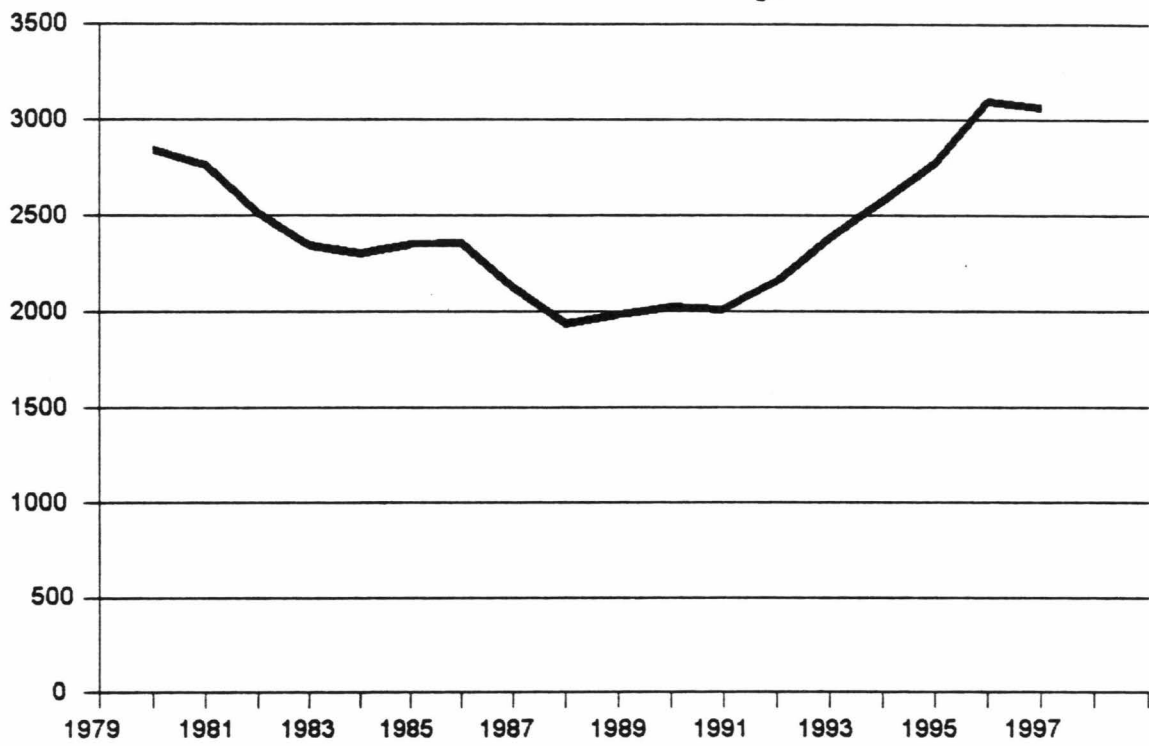


# Occupants Injured in Crashes

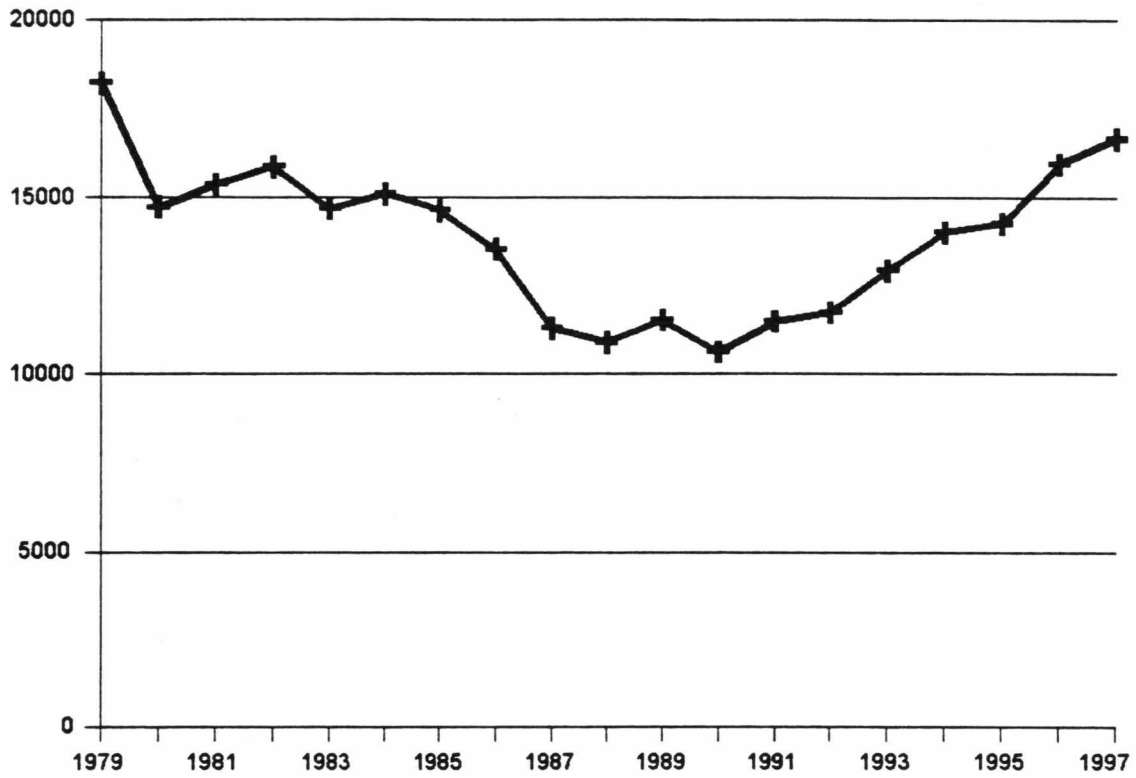


# Crash Involvement By Age of Driver

Drivers 14 - 17 Years of Age



# Total Crashes By Year





This Testimony is in favor of Senate Bill 2127.

There are a number of individuals waiting to testify on this bill so I won't take up a lot of your valuable time

Expert testimony will come from the health department and others.

I can only speak from personal experience and from years of seeing the transition from no seat belts to what we have today.

Although I introduced this bill for the State Department of Health, I have a firm commitment to seeing some version passed.

I have learned a lot all over again about kids from babies to over the age of three in the last 15 months.

As some of you know, we are the caregivers of our grandchildren, Hunter --3 years and 3 months and Mason--2 years and 2 months.

We have been since December of 1997 when our daughter, Kathy died unexpectedly.

We transport them to day care, to the doctor, to the farm, back and forth to Bismarck during this session and every place else that you take small children.

I see what concern natural parents have for their children. Nearly all of them are in either child restraint seats or in seat belts.

Some however are not. And it is almost always the older children.

I would like to briefly address the ages of 3 to 5.

These children do not belong in a seat belt. There isn't any seat belt suitable for a 3 year old --or a 4 year old!

The belts don't fit small children. The recoil mechanism has too much slack and the shoulder harness becomes a neck harness.

I have found that probably the only one acceptable is the center belt and it isn't really right.

I was going to bring Hunter along this morning for a show and tell session, but he has a cold and his grandmother said no. I meekly concurred!

I would hope that this committee in their wisdom would put back in the requirement that 3 and 4 year olds must be in a restraint seat.

*Sen Thorne*

Testimony on SB 2127  
March 12, 1999  
House Committee on Transportation  
by  
Representative Wanda Rose District 32

Chairman Keiser and Members of the Transportation Committee.  
For the record I am Wanda Rose, Representative from District 32 here in  
Bismarck.

I come before your committee in support of SB 2127.

Starting with the first ride home from the hospital a child should be placed in  
a child safety seat. Child safety seats reduce the risk of fatal injury by 69  
percent to infants (less than 1 year old) and by 47 percent for toddlers (1 to 4  
years old).

In 1996, motor vehicle crashes claimed the lives of more than 2,000 children.  
In 1997, 593 children under age 5 died in passenger vehicle crashes; 54  
percent of these were totally unrestrained. These children could have been  
saved had someone ensured that they were properly seated in a child safety  
seat or buckled up and seated in the rear of the car.

The National Safety Council (NSC) reports that injuries received in traffic  
crashes are the leading cause of all injury-related deaths in America and the  
leading cause of death for people ages 6 through 24. According to dozens of  
safety studies, seat belts are the most effective way to reduce this tragic toll.

During the past 10 years, traffic-related deaths and injuries have declined due  
to a substantial increase in seat belt use. Between 1983 and 1997, seat belt  
use in the United States rose from 14 percent to 69 percent of occupants, an  
increase that has been attributed to the passage of seat belt use laws

SB 2127  
3-13-99  
House Transportation

To help combat child passenger injuries and deaths, all states have passed some form of child restraint legislation. Although these laws have proven to be an excellent way of keeping child passengers safe in vehicles, some of them, like ours in North Dakota, does not offer comprehensive coverage for all children.

SB2127 as initially introduced required children under age 5 to be placed in a child safety restraint. The Senate amended SB 2127 to allow a 3 year old to use a safety seat belt rather than a child safety restraint. Seat belts used by children under age 5 usually do not fit properly and may cause more harm. I would encourage this committee to have children under the age of 5 restrained in approved child restraint system while the motor vehicle is in motion.

When child safety seats are used correctly they reduce the risk of fatal injury by 69 percent for infants and 47 percent for toddlers. One way to keep children safe is to ensure that they are restrained an approved child restraint system and seated in the back seat.

I urge your careful consideration of SB 2127/

Thank you for your time and I will stand for questions.

Statement of Rep. Roxanne Jensen  
on  
SB 2127, relating to Seat Belts

March 12, 1999

Mr. Chairman, as a sponsor of SB 2127, I am pleased to introduce this legislation.

This bill would:

- require all children up to the age of five [5] to be in a car seat.
- require all children up to age 17 to wear a seat belt.

*[Even when riding in the back seat.]*

I support this legislation because it will save young people's lives.

And, I support the original version of this legislation, which I co-sponsored, that would require a child under the age of five to be in a car seat.

Mr. Chairman, I don't know exactly why the Senate amended bill so children are required to be in a car seat only up to three [3] years of age. Perhaps they thought car seats are available only for children who weigh less than 40 pounds. That is incorrect.

As the testimony presented by the Department of Health will demonstrate, car seats are now available that will accommodate a child with a weight of up to 60 pounds -- which is the equivalent of child up to five years of age.

There also might have been a concern about the cost of obtaining a larger car seat for children after they reach the age of three [3], but before they've reached the age of five. My understanding is that this is not correct -- that child car seats meeting federal standards can be obtained from local public health units for as little as ten dollars [\$10].

Third, when the child car seat law was enacted in 1984, the only child car seats available were designed for children up to 40 pounds. As I just mentioned, we now have larger child car seats available for a reasonable price that will provide better protection to our children.

Finally, safety experts have determined that young children -- those who have reached the age of three [3], but are not yet five [5] years old are not safely restrained with the adult lap and shoulder belt. Those under the age of 5 should be in a car seat.

Just as we did the right thing for child safety in 1984, we should learn from experience and modify the child car seat rule to cover children up to the age of five [5].

And, I will offer an amendment to do that.

**TESTIMONY IN SUPPORT OF SB 2127**  
**Carol Holzer, ND Department of Health**  
**House Transportation Committee**  
**March 12, 1999**

Mr. Chairman, Representatives, my name is Carol Holzer. I am the director of the Injury Prevention Program in the State Health Department. Our department pre-filed SB 2127 because we felt it was important to get our young adolescents buckled up and because we were concerned about small children riding in seat belts, rather than car seats. As introduced, the bill would have done the following:

- (1) Required children under age 5 to ride in a car safety seat. Current law allows a three-year old to use a seat belt rather than a car seat. This is confusing to parents who have been told by their doctor that their child should stay in a car seat until 40 pounds and a booster seat until 60 pounds. Parents believe that because the law allows them to use a seat belt at age three, it is safe to do so. Seat belts are not designed for small children. The shoulder belt crosses the neck or face and the lap portion rides high on the tummy, not down on the hips. Oftentimes, the shoulder belt is placed under the child's arm (a very dangerous practice) or behind the child's back. When the child passenger safety law was enacted, car seats were available only for children up to 40 pounds, so seat belts were the only option for larger children. Now there are booster seats that can be used by children up to 60 or 70 pounds. One question that may come up is the average weight of three and four year old children. According to the Burleigh County WIC Program, of 177 three-year olds served by the program, 20 percent weighed less than 30 pounds, 71 percent weighed 30 to 40 pounds, and 9 percent were between 40 and 50 pounds. Of 162 four-year olds, 6 percent were under 30 pounds, 64 percent weighed 30 to 40 pounds, 28 percent were between 40 and 50 pounds, and 2 percent were over 50 pounds.
- (2) Require seat belt use by children from age 11 through 17. The current law covers children through age 10. .” To some extent, children over age 10 are already required to ride buckled up – under the state's seat belt law. However, the seat belt law applies only to front seat occupants. The child passenger safety law applies to any seating position. The Department of Transportation and Highway Patrol will be providing information on motor vehicle deaths and injuries to children in this age group. However, I do want to mention that after the first year of a child's life, more children die from motor vehicle accidents than from any other cause of death.

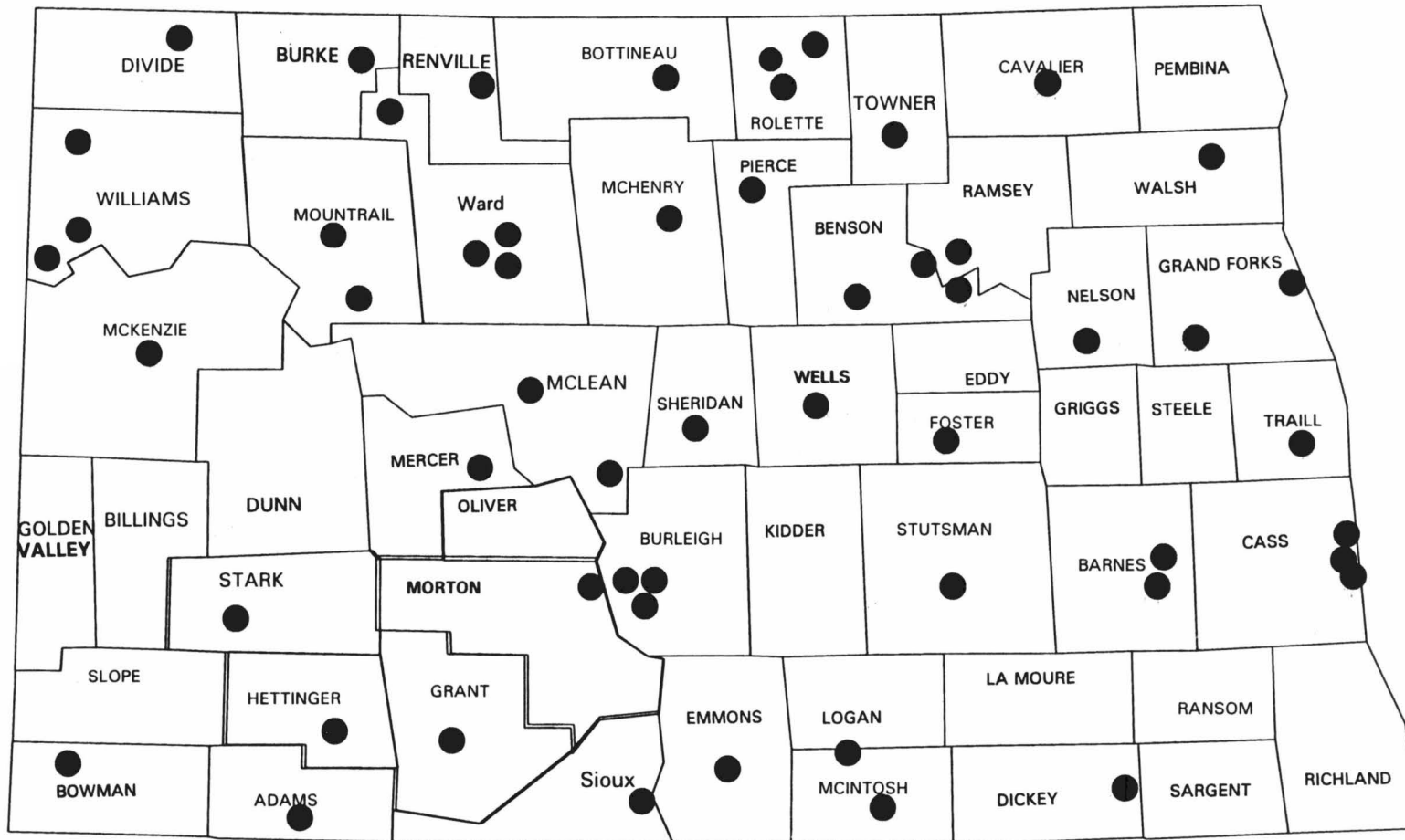
- (3) Increase the penalty from \$20 to \$40 with one point against the driving record. The current penalty is \$20.

As you know, the bill was amended in the Senate to remove the portion that would have required 3 and 4 year old children to use car seats rather than seat belts and the penalty was amended back to \$20. .

Mr. Chairman and committee members, our agency is committed to providing safe transportation for the children of North Dakota. We currently have car seat distribution programs in almost all counties within the state. Those counties that do not have a program receive car seats through sites in neighboring counties. The programs are administered through hospitals, public health departments, or civic groups. Car seats are either given away or rented for a small fee. Some of the car seats are purchased with funds from the Department of Transportation; others are purchased with funds generated through the rental/sales of seats. Our office provides training to local programs and we conduct car safety seat check-ups so we can assist parents with proper use and installation of their car seats. We have recently begun a campaign entitled "Give Your Child A Boost" to encourage parents to use booster seats for children from 40 to 60 pounds. We have provided booster seats to our public health offices and have received approval from the Department of Transportation for funding to purchase more seats.

North Dakota's child passenger safety law, combined with education, has been effective in increasing the number of children who ride buckled up and in reducing deaths and injuries to young children. We would like to take a similar approach to reducing motor vehicle deaths and injuries to our adolescents. We urge a "do pass" recommendation on this bill.

# North Dakota Car Safety Seat Distribution Programs 1999



Car safety seats are distributed through hospitals, public health departments and civic organizations. Infant car seats are either provided free-of-charge or are rented for a fee of .40-.50/month and a deposit of \$5. Toddler seats are rented for a fee of \$1/month and a deposit of \$10. Booster seats are either provided free-of-charge, are rented for \$1/month or are sold for \$10.

North Dakota Department of Health, Maternal and Child Health, Injury Prevention Program



# Bags, Belts, Boosters & Kids

## Buckling up children from age 3 through 12

Car seats, booster seats, and safety belts can prevent many serious or fatal injuries to children. However, many toddlers, preschoolers, and school-age children ride without the protection they deserve. What's the best way to keep them safe?

- **Use a booster seat** after your child outgrows a car seat with shoulder straps. A booster helps prevent injury by making safety belts fit better.
- **Keep children in the back seat** if they all can be properly buckled up there, especially if the vehicle has a passenger-side air bag.

## When can my child stop using a forward-facing car seat?

A car seat with two shoulder straps and a high back is generally gives more protection than a booster seat or a safety belt. Give your child the extra protection this type of seat provides as long as possible.

Your child should use a convertible or toddler seat as long as it fits. Your child is outgrowing this seat when:

- upper weight limit is reached, usually at 40 pounds,
- shoulders are above the top strap slots, or
- ears are above the back of the car seat.

Some built-in child seats have harnesses with shoulder straps for children up to 60 pounds. If your vehicle has this kind, take advantage of it!

### Best Protection for Pre-School and School-Age Children

#### For children between 40 and 80 pounds:

1. Belt-positioning booster (BPB) with lap and shoulder belt. A high back BPB is most **preferred**. Some boosters fit only up to 60 to 65 pounds.
2. Retrofit shoulder belts or "Y" harness if only a lap belt is in vehicle. Older (pre-1997) shield booster may be available for a child over 40 pounds.

#### For children over 80 pounds:

1. Lap/shoulder belt when both belts fit correctly.
2. Lap belt alone if no shoulder belt is available. Make sure the child keeps lap belt low and tight.

## A booster seat—the next step

A car booster seat is the best option for children from 40 to 80 pounds. A booster seat helps safety belts fit better. Safety belts seldom fit 3- to 10-year-old children. If the lap belt doesn't fit, serious spinal and abdominal injuries can happen in a crash.



A booster seat helps a child be comfortable and see out the window. See the back for more information on boosters.

*A belt-positioning booster raises the child up so both lap and shoulder belts fit better.*

## How should safety belts fit?

The lap belt should fit low and tight across the top of the thighs, not up on the belly. If a child is too short to sit straight with her knees bending naturally, the lap belt will probably ride up dangerously. The shoulder belt should be across the shoulder and chest.

Check how the safety belts fit in the vehicles in which your child rides. How does the lap belt lie across his body? Does it go up across the belly? Does she tend to slouch in the vehicle? Does the shoulder belt cross his throat? These are signs of poor fit. A booster seat is needed.

## Using the shoulder belt right

Many children misuse the shoulder belt, which can cause serious injury in a crash. The shoulder belt should cross the shoulder, not the throat or face. Make sure your child:

- never puts the shoulder belt under the arm,
- never puts the shoulder belt behind the back.

Built-in shoulder belt height adjusters in some cars help the belts fit better. If the belt rubs against the neck, put a soft cloth around it for comfort.

Add-on shoulder belt adjusters, however, are not controlled by federal standards. In some cases they make belts work less well. *An add-on adjuster should not be used instead of a car seat or booster.*

safe ride news

## Air Bag Danger:

### The back seat is the safest place

If your vehicle has a passenger air bag, the rear seat is the ONLY safe place for children, unless the air bag can be, and has been, turned off. NEVER put a rear-facing infant in front! A child age 12 or under is NOT safe riding in the front seat, especially if not properly buckled up. Even when a child is using lap and shoulder belts, there is a risk of injury or death if he leans close to the dashboard.

If you cannot avoid putting a child over age one in front, here is how to reduce the risk:

- Slide the vehicle seat as far back as possible.
- Make sure a forward-facing child seat is anchored tightly and the harness straps are snug.
- Make sure a child in a booster or belt uses both lap and shoulder belts and does not lean forward.

Be sure to read the vehicle owner's manual for information about the specific safety features in your vehicles.

## Types of Boosters

Which type you choose depends on the kinds of safety belts available. Booster types are:

### Belt-positioning booster

(BPB), made for use with a lap and shoulder belt (see pictures on front and right). The belts restrain the child. The BPB provides better protection than a shield booster because the shoulder belt limits how far the child's head can move in a crash. Never use a BPB with only a lap belt.

- **BPB with a high back** (upper right) is best if your vehicle has a low seatback. Some are big enough to hold children weighing 80 pounds or more. Some models also have an internal harness for use as a conventional forward-facing seat for children under 40 pounds.
- **Shield booster** (lower right) has limited use in vehicles that have only lap belts in back. The shield is much less effective as children get taller. Those sold today are for use only below 40 pounds, when a harness-type car seat would be more protective. If your vehicle has shoulder belts in the back seat and the booster shield can be removed, take off the shield and use it as a belt-positioning booster.



*High-back belt-positioning booster*



*Shield booster*

## What if my car has only lap belts in back?

For a child over 40 pounds, there are three ways to give added protection at this time (12/97):

- Use a harness with a top tether. The tether holds the top of the harness and must be installed. (The "Y-86" harness from E-Z-On Products, 1-800-323-6598.)
- Install a shoulder belt kit. These are available for many older models from manufacturers. A generic version is made by E-Z-On Products.
- Older shield boosters may allow use over 40 pounds. This is the least effective option.

## Issues of Booster Use

### What if my child falls forward while sleeping?

Children who fall asleep in the car need extra support. If your booster has a high back with a clip at the shoulder, use the clip. It will help keep the shoulder belt snug to support the child.

Look for a high-back booster that has a somewhat reclined back and deeper side-wings to hold your child more comfortably in place.

### What if my child climbs out of the booster?

If your child has reached 40 pounds by age 2 or 3, he may still be learning to stay seated at all times. Be firm with him. Stop the vehicle (in a safe place off the road) whenever he tries to get out. You may want to use a tethered vest to control him (the E-Z-On Vest, 1-800-323-6598).

### When can I move my child into a safety belt?

Avoid pushing her too early into a poorly fitting belt. Try on the belts occasionally to check fit.

When a child's ears are above the seatback, a booster without a back provides no protection from whiplash. A high-back booster is best if your vehicle has lap and shoulder belts.

If your vehicle has only lap belts, you will have to make a choice. If you decide to stop using the booster, be very careful about lap belt fit. Teach your child to sit straight and keep the lap belt tight and low.

## Tips for Parents

- ✧ Avoid calling boosters "baby seats." Boosters help big kids use belts (like adults), be more comfortable, and see outside the vehicle.
- ✧ Always follow child seat and vehicle directions.
- ✧ Insist that everyone in your car buckles up.
- ✧ Set a good example – buckle up yourself!

# HOUSE TRANSPORTATION COMMITTEE

March 12, 1999

North Dakota Department of Transportation  
Judy Froseth, Traffic Safety Program Director

## SB 2127

---

Mr. Chairman and members of the House Transportation Committee: We support SB 2127 because it will save lives and reduce injuries to young people involved in traffic crashes, especially high-risk beginning drivers.

My statements involve data from the North Dakota crash records and driver license systems. Because reading statistics can be less than exciting, our research analyst has prepared several graphs and a table that are included in your handout.

Questions may be raised about extending safety belt coverage through age 17. These young people are risk takers as well as novice drivers. This is shown in the chart with two lines. The lower line shows the percentage of drivers in the 14-17 age group. We would expect their crash picture to follow in a similar manner. However, the top line shows the percentage of their crash involvement. Their over-representation in traffic crashes is roughly three to four times what would be expected.

The next four line graphs show trend data. Occupant injuries for both the 10-to-13-year-old and 14-to-17-year-old age groups are increasing. Crash involvement for drivers 14-17 years of age has also increased. These youth need protection that safety belts offer. We believe they will be more likely to buckle up if they have the incentive of an occupant protection law. The final trend chart shows that the number of traffic crashes has steadily increased each year since 1988.

The final table shows the numerical figures used to develop the tables.

	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
<b>Total Crashes</b>	18233	14737	15371	15871	14699	15112	14646	13546	11308	10906	11536	10633	11499	11763	12944	14032	14275	15962	16662
<b>Fatalities:</b>																			
<b>Motor Vehicle Occupants (no pedestrian, pedalcyclists, etc)</b>																			
0-4 yrs. old	3	0	1	2	2	4	3	2	0	1	1	1	0	0	0	0	0	0	1
5-9	2	0	0	2	0	0	0	1	3	4	0	3	0	1	2	0	1	1	1
10-13	0	3	3	0	1	2	1	2	4	2	1	3	0	1	1	3	1	3	2
14-17	14	14	11	15	11	5	6	7	7	7	4	10	7	5	5	11	9	8	12
State total	117	137	149	138	105	89	82	96	90	92	68	97	87	81	84	80	71	81	99
<b>Drivers Age in Fatal Crashes:</b>																			
Less than 14	3	3	3	1	2	4	1	1	1	1	1	1	0	1	0	2	0	2	0
14-17	9	15	15	16	9	9	4	9	14	6	4	10	9	9	8	9	10	10	9
State Total:	170	180	216	194	148	130	108	130	122	124	110	127	113	109	125	109	96	118	131
<b>Persons Injured:</b>																			
<b>Motor Vehicle Occupants (no pedestrian, pedalcyclists, etc)</b>																			
0-4 yrs. old	173	141	158	168	136	130	131	130	98	90	81	78	63	59	65	64	70	79	93
5-9	122	112	143	139	183	147	132	147	163	139	112	130	131	112	106	144	143	115	178
10-13	111	112	94	113	134	108	129	112	111	121	124	121	115	128	153	158	162	151	201
14-17	892	888	805	657	631	628	702	696	807	671	666	773	693	771	802	867	877	842	866
State Total	6102	5643	5958	5532	5225	5185	5241	5158	4911	4712	4760	4660	4735	4896	5262	5410	5509	5741	5898
<b>All Crash Involvement by Age of Driver:</b>																			
Less than 14		96	97	112	109	106	130	95	19	26	26	26	35	30	25	19	43	37	30
14 - 17		2848	2766	2519	2344	2304	2354	2360	2127	1938	1989	2027	2011	2162	2385	2582	2780	3100	3071
%-age of state total crashes		19.33%	17.99%	15.87%	15.95%	15.25%	16.07%	17.42%	18.81%	17.77%	17.24%	19.06%	17.49%	18.38%	18.43%	18.40%	19.47%	19.42%	18.43%
State Total:		23351	24214	25484	23423	24108	23784	21751	17871	17529	18551	16830	18259	18655	21614	22750	22892	25849	26604
<b>Licensed Drivers:</b>																			
14-17		26574	24298	22306	21287	21430	20250	22644	18143	16895	16892	17056	17367	18069	18809	19746	20193	20580	21016
% of state total		6.28%	5.67%	5.17%	4.89%	4.89%	4.54%	5.10%	4.16%	3.90%	3.94%	3.98%	4.04%	4.17%	4.29%	4.49%	4.50%	4.58%	4.65%
State total		422910	428575	431282	435115	438312	446399	444150	435754	433407	428812	428693	429829	433117	437942	439330	448781	449225	452163

## Facts

- You can be licensed to drive in North Dakota at age 14 (8<sup>th</sup> or 9<sup>th</sup> grade).
- Ages 14-17 account for 4.6 percent of licensed drivers, but account for 11.5 percent of all crashes.
- Auto accidents are the number one cause of death for this age group.
- In 1997, 90 percent of those partially or totally ejected from a vehicle were killed or injured.
- If we can get our new young drivers and passengers to wear seat belts from the beginning, the habit will carry over for a lifetime.
- ❖ 1997-1998 – 20 of the 22 persons killed or 98 percent of those killed between ages 14-17 were not buckled up – unbelievable!
- ❖ A sampling of 1997-1998 accidents showed 14 one-car rollovers in which 14 young people ages 14-17 were ejected and killed.
- These accidents occurred on different days of the week at different times of the day on different road surfaces with only one single common factor – the person killed was ejected and not buckled up.
- In order to affect a change for future generations, we should start now with the younger generation.