

**1999 SENATE TRANSPORTATION**

**SB 2252**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2252

Senate Transportation Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
1		x	1,215-1825
Tape 2 - February 4, 1999	x		2915-3310
Committee Clerk Signature <i>Aori A. Schaubauer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on SB 2252. Committee members present included: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V.

Thompson, and D. Bercier.

SENATOR JERRY KLEIN, DISTRICT #14 testified in support of SB 2252. This bill offers language changes that help fireman and responders to their jobs better.

ROD BRIGHTBACH, DEPUTY FIRE CHIEF FOR THE RURAL BISMARCK

DEPARTMENT The ND Fireman's Association has two classes that we take to certify. It takes 40 hours of class time, a written and practical exam. We also need to be trained in CPR and First Aid. There is an offensive driving course we are required to take. We train with the state, regional, and department fire schools. We cover 400 miles, 1400 addresses and respond to

around 120 calls per year in our rural department. Our fire department must be certified by the state of ND for the Jaws of Life.

The state expects the quality emergency care but it also needs to support its volunteers. This bill would allow for the use of blue lights to help us get to our locations. Current law allows for the use of a blue light in times of a local or national disaster. I got three different responses to what a local or national disaster is. Let's be part of a solution and make the current law clear. We should be able to use blue lights and exceed the speed limit as long as there is no danger to life or property. We should also be able to proceed past a red light after stopping and checking for safety if there is an emergency and we have a blue light. Minutes can mean the difference between life or death.

SENATOR MUTCH This legislation is authorizing for Emergency Medical Services, will they have to be licensed?

ROD BRIGHTBACH We used to receive a card for the blue light showing that we are authorized to use it but we no longer do. They won't issue those cards anymore.

SENATOR O'CONNELL This bill surprised me because the intent of legislation was to do exactly what he's asking for.

SENATOR B. STENEHJEM There are two parts to this bill: (1) the authorization to use a blue light; and (2) bring the use of blue lights under the Class C category so they will fit under emergency vehicles.

ROD BRIGHTBACH When should you use your blue light? A few years ago, one of our firefighters stopped at a red light; he looked to see if anyone was coming and then proceeded

through a red light. A police officer followed him to the fire hall and was upset because he didn't wait at the red light. We don't want to second guess every situation.

SENATOR B. STENEHJEM What training do you have for high speed emergency cases? Does that training include personal vehicles?

ROD BRIGHTBACH We do have training but not for personal vehicles.

SENATOR BERCIER When you have a blue light on your vehicle and you get into an accident, who is responsible for your vehicle?

ROD BRIGHTBACH I am responsible for my vehicle and the damage done on my vehicle.

SENATOR B. STENEHJEM What type of insurance do you carry on your vehicle?

ROD BRIGHTBACH Regular vehicle insurance

SENATOR B. STENEHJEM Wouldn't you need a higher liability because of the risk?

ROD BRIGHTBACH Yes I do. But using a blue light doesn't mean I will put the pedal to the metal.

SENATOR B. STENEHJEM Do you know what the liability coverage is on your fire trucks?

ROD BRIGHTBACH No, I do not.

ROD HOCHHALTER, ASSISTANT CHIEF FOR RURAL BISMARCK FIRE DEPARTMENT testified in support of SB 2252. This bill is not just for our benefit but every volunteer in the state. If we want to provide them with quality service, we must support the volunteers. The question of liability insurance is an accurate one but having a red light or blue light doesn't give us the right to hurt someone. If it means delaying someone for a meeting in order to allow someone with a blue light to pass or go through an intersection in order to get to the emergency

then so be it. People are trying to help. How many volunteer fire districts do you go through when you travel? This will affect you.

DEREK HANSON, ND EMS ASSOCIATION testified in support of SB 2252 (see testimony).

SENATOR B. STENEHJEM Do emergency medical vehicles include ambulances?

DEREK HANSON Yes.

SENATOR COOK Are volunteers with blue lights getting ticketed?

DEREK HANSON There are a few cases, but we have had a number of warnings. This bill would make it very clear what emergency personnel can or cannot do.

SENATOR COOK How about speed? Is that an issue?

DEREK HANSON It did come up on a couple of cases. Some ordinances already have a cap on the speed of an emergency vehicle, some do not. There should be a different speed in the rural than in town. It has kind of muddied the waters up.

SENATOR BERCIER Do we pull over for these blue lights too?

DEREK HANSON We would hope that's what they'd do but it's not something we can determine.

SENATOR B. STENEHJEM Is there any other testimony? We will close the hearing on SB 2252.

February 4, 1999 - Tape #2 - Tape did not record

Senator Cook motioned for a Do Not Pass.

Senator Bercier seconded that motion.

SENATOR COOK The blue lights don't give them the right to speed or go through a red light. I also have some insurance concerns.

SENATOR BERCIER I think the blue lights will also start diminishing the importance of the red light.

SENATOR THOMPSON My concern too was that the insurance coverage wasn't addressed.

SENATOR B. STENEHJEM I feel those operating emergency red lights have more training and are on duty when they get the emergency phone call. The volunteers that want to use blue lights don't have quite the extensive training and who knows where they are when they get the emergency call.

A roll call vote was taken (6 Yeas, 0 Nays, and 1 Absent and Not Voting).

Senator Bercier will carry SB 2252.

Date: February 4, 1999

Roll Call Vote #: j

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2252

Senate Transportation Committee

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

or

Conference Committee

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

Action Taken Do Not Pass

Motion Made By Sen. Cook Seconded By Sen. Bercier

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

Total (Yes) 6 No 0

Absent 1

Floor Assignment Senator Bercier

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

REPORT OF STANDING COMMITTEE (410)  
February 5, 1999 11:46 a.m.

Module No: SR-24-2052  
Carrier: Bercier  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2252: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).** SB 2252 was placed on the Eleventh order on the calendar.

**1999 TESTIMONY**

**SB 2252**



# North Dakota EMS Association



## TESTIMONY IN SUPPORT OF SB 2252

Transportation Committee  
Thursday, January 28, 1999

By: Derek Hanson, President  
ND EMS Association

Ambulance and Fire Rescue personnel work close together so often on emergency scenes, but many times the quick response of volunteers is hindered because of stop signals and traffic. The passage of this bill would help eliminate these problems and volunteer firefighters and volunteer EMS personnel would be able to save more structures and more lives. Our association encourages you to support SB 2252.

Section one deals with adding "Emergency Medical Services vehicles" instead of just "ambulance" as listed in the current law. EMS has evolved to a point where a number of Quick Response Units have come about in counties that respond to a medical call to assist an ambulance. The vehicle they use is not their personal vehicle so a blue light should not be used to respond. It is an emergency vehicle and we would like to treat them as such. By using this wording it will allow these type of services to respond as a Class A emergency vehicle like a police car, ambulance or fire truck.

In section two, the new language makes the response with a blue light to be black and white. Under the current law there are a number of gray area's and the law is not as clear. It also does not allow these responders to proceed through a red stop light or a stop sign. With the new language, emergency workers responding in their own vehicles would be allowed to proceed through the red light or stop sign, BUT ONLY after stopping and remaining stopped until safe to proceed. And just like the Class A vehicle, they would be allowed to exceed the speed limit so long as the driver does not endanger life or property.

By passing this safe bill you will be assisting Emergency Medical Personnel and Firefighters in getting to their emergency quicker - as a result, we will be able to save more lives.

I urge you to vote for a "do pass" on SB 2252.

Thank you for your time and consideration. Should you have any further questions please don't hesitate to contact me anytime.