

# MICROFILM DIVIDER

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2001 HOUSE TRANSPORTATION

HB 1220

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1220

House Transportation Committee

Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
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Committee Clerk Signature <i>Laura L. Fink</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1220; A BILL for an Act to amend and reenact subsection 3 of section 39-06-17 of the North Dakota Century Code, relating to restricted operator's licenses for minors.

Rep. Delmore: I represent District 43. I am here today to ask for your support HB 1220 . As a mother of a 15 year old son who recently completed driver's training. He received his license and is a very good driver. He has a new understanding of quality drivers training. HB 1220 simply provides that all drivers training meet the same minimum requirements to put safe drivers and especially teenage drivers on the road. Minnesota already requires both these components. I ask your favorable consideration HB 1220.

Rep. Mahoney For the record I am John Mahoney, representative from Center, ND District 33. Those of you who were in previous sessions, you know that I and Representative Carlson were involved in developing the graduated drivers license bill. Throughout the interim we talked about it a lot. We have heard a lot of pros and cons. It is kind of a new concept. We would like

Page 2

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to think it is working and is effective. We have some people who are upset because it impacted them. We have to do the retroactive thing which we never really intended. But its in place and I would like the think its hopefully saving a lot of people and children from injuries and even death. We've looked at a few things that needed to be tweaked in the law alittle bit. We assumed there would be some little changes here and there. This is one of the things that came up -- if a person loses his license is the ability to take the drivers education. The problem that came up was that drivers education isn't provided everywhere -- you know all year around. This is to expand it a little bit -- and include the high school program. I do have an amendment to the bill that I will be proposing. A concern that came up is there are places that don't have the drivers school and -- and only have the drivers ed course in the school once a year. So it might be some may have a difficult time to get these courses and would like to take the test -- they might have in some parts of the state have to wait a whole year. So what I am proposing in the amendment is that in lieu of the class room instruction and the behind the wheel, the child may complete 50 hours of driving with that child's parent or guardian in accordance with rules defined by the DEPT. designed in the dealing with the various driving conditions. And which limit the option in which the class room instruction or a course of behind the wheel is not readily available. So what were trying to do is say that if it isn't available you can do this 50 hours of training. I am not sure how it will be implemented but we will with work the DEPT. as we have done in the past. If you have that 50 hour option with the parent, I can see all the kids jumping on that and forget about these driver ed stuff. So that's why we do have -- its only where the behind the wheel is not readily available.

Rep. Weisz - Chairman This requirement there applies to both the initial and drivers license and to also to if you loses his license? Is this going to be in place for someone getting his first time license.

Rep. Mahoney: We debated it the last session and it went out.

Rep. Carlson: I have been trying to read that in the bill and I can't find it where it say that if you lose your license this applies.

Rep. Mahoney: What happens is if you lose your license you go back to square one as if you never had one.

Rep. Carlson: Is that in the code somewhere?

Rep. Mahoney: Yes it is. If there is alcohol or they lose six points and they are all done.

Rep. Kelsch: ( 601 ) This doesn't solved the problem because this was to be used only after they had lost their license. Not to be used as part of the requisite to having drivers training or that the Schools have it or commercial. It is after they lost there license where the backup occurs. These kids are losing their license and they are having to wait to get into programs because the new kids are coming in and trying to get their licenses. So this doesn't solve the Problem.

Rep. Mahoney: I have to admit that you have point. Obviously we may have to rework the amendment a bit so it would make that clear.

Rep. Weisz - Chairman they way this bill is drafted now it is by the issuance of a new license. It is not what you were trying to do.

Rep. Mahoney: The way it is drafted it would apply to the new and to those who had lost theirs

and have to come back and take it -- so it applied to both but what we will need to do is in the amendment -- on that 50 hours is to say 'if they have lost their license' and are reapplying or whatever then they will qualify for the 50 hour thing. But we won't allow the 50 hour for their initial test.

Rep. Carlson: ( 729 ) How does it help the problem then where are schools that don't necessarily offer behind the wheel ? For the first time person trying to get their license?

Rep. Mahoney: That's something that's basically been the law for years before we ever did anything like this. Now they have to go through drivers ed and take it when it is available. There schools which offer it once a year and they know that this the time for drivers ed and they take it when its offered.

Rep. Carlson: I understand the intent of this 50 hour thing but I think it would be really interesting to see how you would monitor it and how they filled out who attended 50 hours and how the Dept. accepted that.

Rep. Mahoney: That was kind of a bone of contention two years ago, they considered it was those situations where how far can you trust the parents really follow through on this. We were reluctant to go through with that originally and in this instance where they have lost their license and are trying to get it back-- we consider that. It would be vary difficult to monitor but there has to be a little bit of trust there.

Rep. Schmidt: ( 848 ) To me, Junior gets a violation of a driving law. The neighbor boy didn't have a violation. They have to go through the same thing. To me if I were a 14 year old I did everything right and now I have to do this. I think this has to be corrected before I could vote for this. To me this would be discrimination.

Rep. Mahoney: For the person first getting their license we are treating them all the same. So it really the same as before we ever messed with this law and that was they had to take the drivers

ed or school. That's the way it has always been. Now we are not treating them any different.

What happens, there is a penalty, a significant penalty if somebody gets a six points when they are in the restricted license phase or has an alcohol violation. They lose their license. And then they have to go back to square one. And what we are actually doing is -- a lot of people think that is severe in itself and maybe it is and maybe it isn't but that was our intent was to try to deter kids from drinking and driving. But when they have made those violations they may not be able at that time of the year when they can get their training in because it isn't offered. We want give them an opportunity to get their license back within the time frame of -- I don't remember - three months or something -- however long it takes, but they have to get their permit again and go through the permit phase which I think is six months -- and then take the course again -- with the six months we think that is enough penalty that as soon as that six months is up -- we would like to allow them to take the drivers ed, the driving course and the test again.

Rep. Schmidt: So the boy that made the mistake would be taking this twice.

Rep. Mahoney: That is right.

Rep. Pollert - Vice Chairman: ( 1055 ) My name is on the bill but comes to light too, there are some kids who have had the class room instruction and we are making them take it again. Are there going to be some cases where that is no going to soak in -- because they have already done it and so they are not going to pay attention -- its going to be a redundant course for them, so I will take the class room instruction -- how are they going to learn anything the second time through?

Rep. Maloney: I guess it is a lot like things in life, you can take the same course, watch the same movie, or read the same book and presumably you are going to get something out of it each time.

I hope that the kids the second time will learn some more responsibility. They will pick up a few more things and come closer to being responsible drivers which we want them to be.

Rep. Thorpe: ( 1150 ) They're going to have to go back and get some more instruction because of a violation. If it turns out they have a choice of behind the wheel with their parents or guardian --would the parents or guardian, also have or should they be instructed to, if they see those children making violation and not following instructions --that they have the right to ask for their license to be withheld and suspended from them.

Rep. Mahoney: The parents are in charge of the 50 hour thing.

Rep. Thorpe: But legally can the parents do that -- ask for that child's license?

Rep. Mahoney: My view of this that the DOT will require some sort of certifications from the parent after the 50 hours. After the 50 hours the parent gives that to the DOT and then the parent couldn't go and ask for that back. But the parent can come up to the kid and say I want your license and your are not going to drive for a while. Parents have that right now. But once that certification is in the DOT that's an application for a permit or license like any other application and other time.

Rep. Dosch: ( 1349 ) Just one comment, it seems that requiring a parent to spend 50 hours in an automobile teaching him how to drive is more of a penalty for the parent than it is for the kid.

David Mellon: I am a Driver Ed Instructor in the Mandan High School and my rationale for supporting HB 1220 is included on my hand out. A copy is attached.

**OPPOSITION TESTIMONY:**

De <sup>n</sup> Buchanan: I live in Jamestown and I own my own driving school . I taught drivers ed for over 20 years in over 10 different schools in South Dakota and many schools around the



Jamestown area. Most of the kids I get in my driving school are physically very good drivers.

They can brake. They can steer. They can do all the things physically is required of them to

drive. But what they think about and what they see and what they need to learn out on the road is

really need a lot of work on. That is what I try to strive in -- to work on in the car. What they

need to watch for -- what they need to be aware of and how to keep themselves safe up the road.

To make these kids who have lost their license come back in and take the thirty hours of

classroom -- I have taught that for 30 years -- we got through everything in the classroom. These

kids would have to sit through to how put the car into reverse, the gas is on the right, the brake is

on the left, and these kids have had their license they know that stuff. It is good for them to know

that but I don't think that's what keeps them safe up on the road. I feel it is more beneficial to

them and a lot better for them to have the six hours behind the wheel time. It is a much more

intense driving time. In the school they get to ride in the car with two other students, they observe

and take turns to drive and each gets about 15 minutes each hour behind the wheel. In our

driving schools they get the full six hours behind the wheel -- one on one. When they come to us

the already have their permit. They already know the rules of the road. So we can concentrate on

their driving skills. Thirty hours of class room is asking an awful lot for them to sit through.

Not all students have the time to spend five hours a day on that because they have basketball

camp, music camps, or a job they are going to. We provide a good alternative to able to

complete their drivers ed program.

Rep. Price: I am addressing only the first time around not after they have lost their licenses, what is the course that you teach, is the course you have approved by the state?

David Buchanan: It is a behind the wheel six hour course. I have a check list I go through. We go through everything, left turns, right turns, proper signals, where to stop, not to run stop lights, how far ahead to look on the road, how to keep yourself safe, what lane positions to keep yourself safe and all the real driving situations.

Rep. Price: What percentage of your students have had the classroom training thru the school?

David Buchanan: My students? None. And I do know some students have lost their license for rolling through a stop sign, or didn't have their seat belts or their passengers didn't have their seat belts on -- now that doesn't make them a bad driver -- but they do lose their license, they do have to wait the six months and take drivers ed again -- now in many of these small schools they are not going to have drivers ed offered until next summer. So they lost their license in July, they are not going to be able to get their get it back until the next July. And by that time many if them will be 16 and they won't be required to take this to get their license back but in the meantime they need to get to their jobs, they work on the farm, -- it gets to be a pretty bad deal for the parents and the kids.

Rep. Weisz - Chairman do you agree that for the initial time they should be given classroom instruction?

David Buchanan: No, not necessarily. There are a lot of kids, in teaching it the high school, that have gotten into the car -- I tell them to start driving-- they say how do you do that but there are kids who have been driving on the farm and the parents have made the decision that it is time for them to get their license. Then they come to me -- we brush them up on all the things they are not doing properly and all the things they are expected to look for them. But I don't think it is necessary for all the kids to take the classroom initially.

