

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1411

2001 HOUSE TRANSPORTATION

HB 1411

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1411

House Transportation Committee

Conference Committee

Hearing Date February 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		179
Committee Clerk Signature <i>Laura M. H. Fante</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1411; A BILL for an Act to create and enact two new sections to chapter 39-10.1 of the North Dakota Century Code, relating to bicycle helmets and restraining seats; to amend and reenact section 39-10.1-01 of the North Dakota Century Code, relating to bicycles; and to provide a penalty.

Rep. Jensen: I am State Representative Roxanne Jensen from District 17. I introduced this bill at the request of the Grand Forks Firemen. Two statistics -- number 1, bike helmets reduce the risk of head injury by as much as 85%; and, two it is estimated that 75% of bicycle related fatalities among children could be prevented with bicycle helmet use. This bill was before you two years ago. It was brought to you by two ND medical students who were part of medical team who treated an 8 year old boy who was badly injured in a bike-car accident. The boy while riding a bike was hit by a pickup truck at highway speeds. The boy was not wearing a helmet. The force of the impact went to his head. His life will never be the same for the boy or for his family. His injuries include traumatic brain damage, multiple skull fractures --- the boy now needs speech

therapy, physical and occupational therapy-- special education and psychological counseling. He continues to experience left side paralysis, right visual field deficit, traumatic personality changes, behavioral problems, sometimes attention span aggression, unrestrained displays of affection, and distractibility. That's our first tragedy. Aside from the personal costs involved there is the medical cost -- approximately 2 million dollars for the first year of care following the accident -- the life time costs of this accident will exceed 6 million dollars. Most of this will be paid for by tax payers dollars. That is the second tragedy, but here's the worst tragedy -- there is great evidence that you heard in our opening statistics that 85% chance that this catastrophic accident could have been prevented. Bicycle helmet legislation is effective and is increasing helmet usage -- therefore reducing bicycle related injuries and deaths. One example shows 5 years following a states passage of mandatory laws for children-- bicycle related fatalities decreased by 60%. That is why this bill is before you again. I ask this committee give this bill a favorable recommendation. I have distributed e-mail letters sent to me. Copies are attached.

Carol Holzer: (408) Director of the Injury Prevention Program in the (ND) Health Department. A copy of her prepared testimony is attached.

Rep. Kelsch: (998) Because I don't have the definition of a minor right in front of me -- is it up to the age of 18?

Carol Holzer: Yes it is.

Rep. Kelsch: (1021) On the second page, the violation fee is not to exceed \$5.00 - that is low for enforcement to enforce - is that going to be payable at the site or is that going to be like a ticket -- ?

Carol Holzer: I am not sure how that would be handled.

Rep. Mahoney: (1061) To follow up on what Rep. Kelsch is asking -- When this came up before it was a real concern for law enforcement -- have you talked with any law enforcement people?

Do they really think it is possible -- to take a 6 or an 8 year and pull them over -- to be able to enforce this?

Carol Holzer: I have not gotten any opposition -- I have mentioned it - - we certainly have discussed it at our Bismarek Safety Council, yesterday -- there was Law Enforcement in the room -- and they did not say that it wouldn't be enforced --but they did not say that it would either.

Rep. Weisz - Chairman recognizing peer pressure which I think is one of the big problems with drug abuse -- how do you see the question of peer pressure effecting getting the kids to use helmets? How do you see this law is going to reduce the peer pressure?

Carol Holzer: It is definitely an issue -- I think in this case the parents would back this one up -- I have used the child restraint law as an example that many parents when the law changed for the teenagers -- many parents said now you have use them.

Rep. Schmidt: (1195) A long with the Chairman's question - I was approached there is peer pressure in wearing Nike tennis shoes -- they are very expensive -- some parents can afford them and some parents can't -- they approached me -- so there is peer pressure -- so I realize what you are trying to do here and everything but the peer pressure issue is we could get into whole lot of issues -- tennis shoes --how do you answer that?

Carol Holzer: I think that the difference is that the peer pressure between Nike tennis shoes and a bike helmet not wearing the Nike tennis shoes is not going to cause a head injury to the child.

The parents will buy the helmet.

Rep. Mahoney: (1274) You told us the cost of these helmets you have here is \$ 5 - \$7 but in the store they are \$50.

Carol Holzer: We have paid \$5 - \$7 when we purchased these but you can buy these same helmets at Target stores for \$10 while at a sporting goods store you can pay anywhere from \$50.

Rep. Mahoney: And the cheaper ones meet the same specifications?

Carol Holzer: Yes, they do.

Rep. Pollert - Vice Chairman: (1309) Could you see a renegade type backlash on this -- kinds like smoking -- when the law says that we are mandating that these helmets have to worn, these kids will put on the peer pressure -- that the kids will wear them a couple of minutes until they get down the block and then take them off and they get that maverick top gun feeling -- could you see that happening?

Carol Holler: I guess I haven't given it enough thought -- in that case, I would kind of imagine that might happen although -- because there is the \$5 penalty these would be a lot of education that would go with that. Copies of letter from the Bismarck-Mandan Safety Council to Carol Holzer are attached.

Derek Hanson: I am President of the ND EMS Association. We support this bill. A copy of his prepared remarks are attached here.

Sharon Moos: Executive Administrator of the ND Nurses Association spoke in support of HB 1411. A copy of her prepared remarks are attached.

Rep. Weisz - Chairman (1785) Your testimony indicates that education is not doing the job but yet the main thrust of this legislation would be education --- if education isn't effective how will this law be effective?

Sharon Moos: I guess I would agree with the previous testimony that it puts a little punch behind the parents when they know it is the law.

Rep. Mahoney: (1837) About the requirement in here that kids up to 40 pounds -- the restraint requirements -- you see a lot of little kids on bikes with training wheels -- do you envision putting seat belts on bikes?

Sharon Moos: There are people who speak to that better than I.

Ed Grosbauer: I am an EMT from Grand Forks and I am a fireman. We formed a Safety Coalition and we have very successful program. We sell \$5 T-shirts which have various slogans and we give them out as a rewards program when we see kids practicing good bicycle habits and the kids are proud to wear them. So \$5 does save lives. We are in full support of this legislation.

Rep. Weisz - Chairman Is there any problem in getting funds for your distribution program?

Ed Grosbauer: Along with the State and the Department of Transportation we are able to get some funds that way -- Child Health has supported some of our programs -- The Safety Coalition has given us some help --

Rep. Doseh: (2226) You mention incentives -- About two years ago, we with our kids were riding on the bike trails here in Bismarek --the kids were wearing their helmets -- a police officer pulled us over and he gave our kids some gift certificates for free Dairy Queens -- this made an impression on ours kids and for a long time after that they were hoping they might get some more free Dairy Queens but they wore their helmets. Incentives work.

Ed Grosbauer: Not only the incentives, we do the bike rodeos with the Optimists Club, anything to keep them involved in biking and wearing their helmets.

Rep. Mahoney: (2504) If we enact this it is going to be negative reinforcement because of the penalty -- I assume that the people involved in the programs you have talked about will continue?

Ed Grosbauer: Absolutely. We are certain that we want to continue.

Rep. Carlson: (2564) In the DOT, what is the definition of a highway? We are talking about mandating -- it says bike paths - we have a large rural area --what does a highway mean? A city street?

Rep. Mahoney: (2595) Any public road.

Dave Peske: I am representing the ND Medical Association which is a statewide for physician membership. I am also authorized as a lobbyist for the ND Academy of Pediatrics.

They were not able to be here today. When this bill was first introduced by the medical students, the medical association took the position to support this bill. I have a handout on the position taken by the American Medical Association has taken. I have single copy of the 17 states which have enacted mandatory bicycle helmet laws and various features of that.

Rep. Kelsch: (2871) One of your organization members -- when I take my children in for their physicals always ask them whether they wear their bike helmets. I think that is a real good thing, especially for my teenage boys. They are doing their job out there.

Dave Peske: Thank you , Rep. Kelsch -- that is good to hear.

Jan Schmidt: I am a Registered Nurse and I am here as a private citizen. I agree with the previous testimony and I want to support this legislation. I have a background in emergency nursing and I learned early in my career that the only good way to treat injuries is through prevention. This is especially true for head injuries. We do give away bike helmets where I work. I see them worn

but not nearly enough so we need this added piece of encouragement for people to wear the helmets they have.

Lois Hartman: I represent the ND Firemen's Association and the EMT's Support Services. We want to on record supporting this bill.

Rep. Schmidt (3173) Maybe someone on the committee can answer this -- what is the difference between this bill and the one two years ago?

Rep. Weisz - Chairman (3181) Some of the differences will be discussed when it comes before the committee for action.

Rep. Weisz - Chairman (3229) If there is no one for or against --

John Olson: Will you take a neutral? I am here representing the ND States Attorneys and the ND Peace Officers Association. They have met and wanted me tell you that they are not against the bill who would be? If you enact this into law you should expect it to be enforced. For this to take effect -- the process is for enforcement of a \$5 fee -- Law Enforcement on the front will have the ability to pull a juvenile over and issue him/her a citation --much the same way any traffic citation would be -- that citation will be handled in District Court -- they will be prosecuted by a States Attorney if that needs to happen -- and so forth and so on. The other procedure would be if you are going to enforce this law against a parent who otherwise was not on the scene and can not be issued a citation but that process would require a person such as a law enforcement officer to go a states attorney and request a complaint or citation to be issued and served -- and prosecuted the same way -- so that is the process involved. We will accept any law you enact. Any law should be enforced, we know there are priorities involved but -- that doesn't detract from the seriousness of the violation.

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House Transportation Committee

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Rep. Carlson; (3510) As I look at this picture I can see my 16 year old come home school with his helmet on - takes it off and gets on his motorcycle and rides off. He needs a helmet to ride his bike but not his motorcycle. It doesn't seem right.

John Olson: I will not comment, your are the policy maker.

Rep. Mahoney; (3688) My problem a couple of years ago with this bill was the enforcement. I guess I am not so inclined that way this time but obviously my problem is that some people are going to be difficult and say for \$5 dollars I am going to take this court and try it out. It is going to be prosecutorial discretion and my guess it is no going to be prosecuted or enforced.

John Olson: That is absolutely correct. I guess I was trying to make the point the law enforcement in general do not want laws enact just on principal and for education.

Judy Froseth: I am the Traffic Safety Program Director for the ND DOT. I just want to correct a fact - There is indeed an helmet law which requires that a helmet for individuals under the age of 18 who ride motorcycles. Further, the driver needs to wear a helmet, then the rider (passenger) must also wear a helmet regardless of his/her age.

Rep. Weisz - Chairman There being no further testimony either for or against or neutral the hearing for any further testimony on HB 1411 is closed. (3905).

Date: 2/9/01
 Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1411

House Transportation Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Jensen Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Robin Welsz - Chairman		✓	Howard Grumbo	✓	
Chet Pollert - Vice Chairman		✓	John Mahoney	✓	
Al Carlson		✓	Arlo E. Schmidt	✓	
Mark A. Dosch	✓		Elwood Thorpe		✓
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch		✓			
Clara Sue Price	✓				
Dan Ruby		✓			
Laurel Thoreson	✓				

Total (Yes) 7 No 6

Absent 1

Floor Assignment Rep. Jensen

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

REPORT OF STANDING COMMITTEE

HB 1411: Transportation Committee (Rep. Welsz, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1411 was placed on the Sixth
order on the calendar.

Page 1, line 15, replace "A minor" with "An individual under sixteen years of age" and after
"bicycle" insert ", be in a restraining seat on a bicycle,"

Page 1, line 16, replace "minor" with "individual"

Page 1, line 18, replace "An individual" with "A passenger on a bicycle"

Renumber accordingly

2001 TESTIMONY

HB 1411

