

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

3025

2001 HOUSE TRANSPORTATION

HCR 3025

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3025

House Transportation Committee

Conference Committee

Hearing Date February 16, 2001

Tape Number	Side A	Side B	Meter #
1	X		1,425
			End 4461
		x	1803 - - 2750 end
Committee Clerk Signature <i>Laurie J. Frank</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HCR 3025; A concurrent resolution directing the Legislative Council to study safety issues related to cell phones and driving.

Rep. Aarsvold: I chose not to have written testimony this morning because the language in House Concurrent Resolution 3025 is thorough and quite specific. I will not repeat that information. I do have a quick compilation of a search of current research and study around cell phone safety. I did this in about ten minutes on the Webb. If you will use the identifiers of "cell phone safety" you will come up with literally hundreds of particular studies that have been done in various countries and various states regarding the safety of cell phones while a driver is using a cell phone. Two years ago, a lot of constituents came to me about what they perceive to be a problem of folks using the cell phone while driving. I have talked with Colonel Hughes of the Highway Patrol and he reminded me that there was a lot of research and a lot of legislation in process actually regarding this particular issue. It was his suggestion that we wait a look at this situation in North Dakota after we have developed some history here and in other states. Since I talked to

him (Col. Hughes) he is having his officers making note of cell phone use in the accident report. In that material I am passing around off the internet you will see that in Oklahoma they found that the cell phone was a prominent part of the accident. We can know that that cell phone was in use. The literature I have points to a problem with cell phones out there. I am more sensitive to the issue, I have observed on numerous occasions in my driving there is a lot of conversation going on cell phones while driving. I have to confess that about two years ago I was involved in one of those accidents myself -- in appropriate use of a cell phone. With that I offer this study resolution.

Rep. Kelsch: (1898) Why study just cell phones? Why not CD players? Why not radios? Why not disciplining children, --- putting make-up on -- ?

Rep. Aarsvold: I certainly would promote the inclusion of those things into the language of this study.

Rep. Schmidt: (1945) I just saw an ad on TV last night where the cell phone people are coming out with phone you don't even need to pick them up. With that new technology you probably don't even need this bill.

Rep. Aarsvold: Certainly I have had that pointed out to me earlier. The industry has taken this concern to heart and are trying to come up with something to minimize the problem. I am told that if you are involve talking on a cell phone your chances of having an accident are the same as if your blood alcohol is a 0.8. Even though we have technology your mind is distracted from your driving.

Rep. Wentz: I am one of the sponsors on this resolution. I put my name on there because I also realize what a distraction cell phones can be when one is driving. I know that I have to dig in my

purse to find a number to dial the cell phone and when driving it is a distraction and not safe. In response to Rep. Kelsch, I know that children can be distracting but I never presumed that I could deal with them while driving. I could yell at them but I couldn't deal with them without stopping first. A cell for some reason I think I can handle while driving.

OPPOSITION TESTIMONY --- (2290)

Thomas Kelsch: I am a lobbyist for Western Wireless Corporation doing business in North Dakota as Cellular One. We are opposed to HCR 3025. We are opposed to it for a couple of main reasons: # 1 We don't think the study is needed --- there are studies going on all across the country -- If my memory serves me correctly, KFYR did an article on this this summer and it showed there were a relatively small number of the accidents are caused by cell phones -- often the accidents were caused by other distractions --- they are many other distractions, and there have been for year -- they include the radio, fast foods, reading, looking at maps, grooming, make-up, getting dressed, other electronic devices, GPS, pagers, children in the back seat, and -- and I have to admit that I have done these things. If you want to punish some one for inattentiveness while driving include these things other than cell phones, include them all. In my regular job as an attorney I have had a couple of cases where somebody was dealing with their radio or their CD player and veered off the road -- Hit a track kid who was running along the road and broke his leg -- another veered off and hit a parked car -- in those cases the person was hit it doesn't matter what the distraction was.

There are safety feature as well -- people who gone into the ditches have called in for help -- there is responsible use of the cell phone and you can with care make use of that travel time to

make it more productive. If you make penalties for the use of cell phones you are penalizing them for these responsible beneficial uses. You may also effect the 'good Samaritans' who will not call in.

As an industry we support legislation that -- does penalize inattentive drivers or distracted drivers who do cause accidents. We support safety but not singling out cell phones to disallow their use while driving.

Rep. Schmidt: (2733) I know you are lawyers and those people who sell cell phones aren't you afraid of law suits -- are you immuned?

Thomas Kelsch: I am not aware of any law suits against the manufacturers of cell phones for the use of that --- certainly the individual can be sued if he causes an accident.

Rep. Thorpe: (2797) this is a study resolution --- I wonder how you can object to a study, don't you think the people doing the study would make a consciences determination and if there was a problem and is there was some solution ?

Thomas Kelsch: The main objection was -- we not sure a study is needed but the main objection is singling out cellular phones -- if you wanted to make a study on distracted drivers and the various causes that cause accidents -- with the idea of putting legislation in against distracted rivers in general regardless of what the distraction is -- we would support that.

Rep. Mahoney: (3019) Do you know of any other distract that quadruples the incidence of accidents like cell phone supposedly do?

Thomas Kelsch: I am unaware of that rate of increase --- our basic point is that it doesn't matter what the distraction is it is the distraction --- so if you study that --

Rep. Weisz - Chairman (3185) Are you aware of any data in the State of North Dakota that

addresses the problem such as the number of accidents due to inattentive drivers?

Thomas Kelsch: I believe and maybe the DOT answer that better but I believe they on accident reports they do record driver distraction ---

Marsha Lembke: I am Director of Traffic Services at the DOT. We do have a category on the crash report that is called "Attention Distraction". The is just a check-off. I do don't recall and I would have to look but it doesn't call for a comment on what the distraction was - - it could be anything --

Rep. Thoreson: (3365) Would we have to have that on the report to gather that type of information? -- to do the study -- to gather the information before we could do a study?

Marsh Lembke: I would --- there is a national study that was done but I don't know of anything specific to North Dakota. So I guess we would have to look into that.

Todd Kranda I am an attorney with the Kelsch Law firm and I represent Verizon Wireless. We are in opposition to this study as currently proposed. The concern is that it is not a broad enough study --- It seems that a study shouldn't focus on a possible situation of only cell phone use. As Rep. Kelsch has said earlier there are many other possible inattentive activities that can and do occur in a vehicle. We don't what the multiple causations would amount to. It is also interesting to note as has been pointed out -- the technology has and is addressing these concerns.

Rep. Thorpe: (3707) Would you have less of a problem with study if we broadened it to "mobile communication devices"?

Todd Kranda: I am not sure that you are widening the study with that approach.

Rep. Mahoney: (3882) I am reminded of the 'last ditch' defense -- are you afraid of what the

study shows?

Todd Kranda: We are not afraid of the study -- in fact we support studies where they study inattentive situations but we do not want to be isolated out and discriminate against us one industry for what happens in a vehicle when the individual makes that choice when they are so many other -- and you want to focus on one is discriminating --

Rep. Mahoney: (4155) You say discriminating --

Todd Kranda. Yes when you isolate out of a group .. And pointing out that this is a cellular related -- a cellular industry as opposed to the soft drink industry --

Rep. Jensen: (4277) I should think your industry would be willing to support a study like this -- it would be good public relations.

Rep. Pollert - Vice Chairman: (4461) There being no other persons wishing to testify for or against HCR 3025 , we will close the hearing.

Rep. Weisz - Chairman (1845) opened the discussion for action on HCR 3025.

Following discussion, Rep. Price: moved a "Do Not Pass" for HCR 3025.

Rep. Carlson: I second the motion.

On a roll call vote the motion carried: 9 yeas 5 nays 0 absent

Rep. Carlson: Was designated to carry HCR 3025 on the floor.

END (2750)

Date: 4/16/01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3025

House Transportation Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep Price Seconded By Rep.

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - 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) 9 No 5

Absent 0

Floor Assignment Carlson

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

2001 TESTIMONY

HCR 3025

COLLISION DIAGRAM

DRIVER LICENSE **ONE DRUG - TEST**

UNIT _____

DIRECTION OF TRAVEL

UNIT _____

CONTROLLED BY

UNIT _____

TELEPHONE INSTALLED?

IN USE?

TELEPHONE INSTALLED?	UNIT 1	UNIT 2	IN USE?	UNIT 1	UNIT 2	INVESTIGATOR MADE AT SCENE?	Y	N	NT & BLUNT	Y	N	PHOTOGRAPHS TAKEN?	Y	N	EXPLANATION	P	S
----------------------	--------	--------	---------	--------	--------	-----------------------------	---	---	------------	---	---	--------------------	---	---	-------------	---	---

WHAT VEHICLES WERE GOING TO DO **WHAT VEHICLES DID** **TRAPPING CONTROL**

UNIT _____ UNIT _____ UNIT _____ UNIT _____ UNIT _____ UNIT _____

TYPE OF ROAD **ROAD CHARACTER** **OBJECT STRUCK BY VEHICLE OR LOAD ON PART CONTACT**

UNIT _____ UNIT _____ UNIT _____ UNIT _____ UNIT _____ UNIT _____

WEATHER **LINE** **LOCALITY** **ROAD SURFACE** **ROAD CONDITION**

UNIT _____ UNIT _____ UNIT _____ UNIT _____ UNIT _____ UNIT _____

POINT OF FIRST CONTACT ON VEHICLE **VEHICLE CONDITION** **PEDESTRIAN ACTION**

TOP _____ BOTTOM _____ UNIT _____ UNIT _____ UNIT _____ UNIT _____

VEHICLE DAMAGE OR CYCLE ACTION - (SEE SECTION COMPLETELY FOR GENERAL INSTRUCTION AND ADMINISTRATIVE FOOTNOTES) **BLOOD 1 TYPE 10 MUST BE DESCRIBED WHEN CHECKED**

UNIT 1	UNIT 2	BLK	REMARKS	UNIT	BLK	REMARKS	UNIT
1	1						
1	2						
2	1						
2	2						
3	1						
3	2						
4	1						
4	2						
5	1						
5	2						

