

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1176

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Dorena Bell
Operator's Signature

10/2/03
Date

2003 HOUSE TRANSPORTATION

HB 1176

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Dennis G. Bell
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1176

House Transportation Committee

Conference Committee

Hearing Date January 16, 2003

Tape Number	Side A	Side B	Meter #
1	x		1.5 to 32.3
2	x		wrk 32.1 to 44.2
3	x		wrk 4.4 to 37.9 end
Committee Clerk Signature <i>Louise...</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1176 a bill for an Act to amend and reenact section 39-08-09 of the North Dakota Century Code, relating to a notice of accident to law enforcement.

Rep. Grosz representing District 42 in Grand Forks spoke as sponsor for this bill. A copy of his prepared testimony is attached. In addition to his testimony he advised that Tim Dawson of the Legislative Council staff was preparing an amendment but that as of the hearing time the amendment was not available.

Rep. Weisz, Chairman Rep. Grosz, what is the rationale for setting the \$5000 limits in this bill?

Rep. Grosz The upper limit of the Small Claims court was used. Rep. Grosz urged favorable consideration of this bill. (3.2)

Capt. Mark Bethke: Representing the North Dakota Highway Patrol spoke in support of HB 1176. Most of his remarks, he acknowledged would be about material in the proposed

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amendment which as noted above was not ready for this hearing. Dealing with the amendment first, in 2001 there were 3495 reportable car/deer collisions reported to the Department of Transportation. That is out of the total of 14,759 total crashes statewide or about 23% of all crashes. With the proposed amendment to this bill, it would cut down the amount of time for law enforcement in filing these reports with the Department of Transportation. Under the amendment proposal would be a self reporting procedure. The driver of the vehicle would be required to fill out the reporting form and report the accident himself/herself within a certain number of days to the Department of Transportation. This would allow the Department of Transportation to maintain records of the number of deer accidents which are occurring. We have discussed this with the Department of Transportation. In relating to the \$5,000 in this bill, the number of accidents which would require the law enforcement officers to be involved in would be greatly reduced. However for the Highway Patrol the majority of our crashes involve rural highways, higher speeds, and greater damage amounts. How many reporting cases that would be reduced --- it is very difficult to say but it would definitely affect the number.

Rep. Hawken, Vice Chairman How people know that they were to supposed to report these things? What would be the control over this if they were to do this on their own?

Capt. Bethke: (5.9) We did take a look at the State of Minnesota --- they have a crash reporting system very similar to what is being proposed here. There is expanded to a greater degree. Theirs deals with all types of property damage crashes not just deer related accidents. They have the crash reporting forms available all over the state and it is well publicized that these accidents must be reported within a certain number of days. There maybe a means of making the forms available on the internet system with instructions.

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Rep. Hawken, Vice Chairman also perhaps a places where you would get your vehicle fixed could furnish these reporting forms.

Rep. Ruby How about the insurance companies? Do they or would they furnish the data to the DOT?

Capt. Bethke: That report, once they filled it out would go directly to the DOT. No doubt the DOT would have some requirements as to how that form would include the required data -- but as to how the insurance companies would be involved -- I am not sure.

Rep. Schmidt: (7.5) More details please -- if going home Friday afternoon I hit deer in northern Kidder County -- what happens from there?

Capt. Bethke: Currently, either -- the law requires that if the damage is over \$1000 that you report that immediately-- in the majority of cases law enforcement respond to that scene -- if you are still located at that scene; but, in reality, in a number of these occasions currently someone strikes a deer --- it does damage to the vehicle yet the vehicle is drive able-- they may drive home and report the crash the next day or sometimes several days later if they realize they have a lot of damage. They call law enforcement and between them they set up a meeting date and take a look at the vehicle. In a lot of cases, for example -- the crash may have occurred outside of Bismarck and the person is now in Grand Forks. If the call comes in here we will call Grand Forks to have officer from that area respond to that call.

Rep. Schmidt I could go home from that site?

Capt. Bethke: Under the current law you are supposed to report it immediately and remain at the scene until an officer arrives. Under the proposed law you would not have to report that crash to law enforcement at all. You could go home and report that several days later.

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Rep. Bernsteine: (9.3) If the deer is salvageable I have always heard you had to have an accident report to be able to take it to a locker plant. What would be the procedure?

Capt. Bethke: The current law is that if they strike a deer, they may keep the deer to any location they want but they are required to have a permit to possess that game. That permit is available from law enforcement or the Game and Fish. I would suggest that under this proposed bill that if person wanted to keep that deer they would still have to get the permit to possess it.

Rep. Weisz, Chairman: What is your reason or rationale for wanting to make the car/deer accidents reportable? Why not make all property claims up to \$5,000 self reporting?

Capt. Bethke: We did look at that when we looked at the Minnesota system, but until we knew how the system worked, we would try it with the deer accidents which is a very sizable number to work with. Maybe if it worked out well, perhaps sometime in the future we may want to expand it to all types of claims. Nonetheless with a reduction of 23% of these reportable crashes being reduced it is significant aid to law enforcement.

Rep. Galvin: If you hit a domesticated animal, in some instances, there is a liability issue. Is there ever a circumstance where there is a liability hitting a deer ?

Capt. Bethke: Dealing just with the deer/vehicle collision-- I do not believe there would be. That is why we wanted this to deal with only the deer crashes so that other liability issue would not be impacted.

Capt. Hughes: (12.00) To add to Capt. Bethke's remarks I wish to point out that we have been talking of only property damage -- personal injuries must be reported. The other way that this helps the average citizen is that currently after a crash they call state radio and then way perhaps

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