

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1253

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10/3/03  
Date

2003 HOUSE TRANSPORTATION

HB 1253

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1253

House Transportation Committee

Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
2		x	34.6 to end
3	x		0 to 11.4
Committee Clerk Signature <i>Laura M. Ford</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1353, a bill for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to child restrain devices.

Rep. Delomore: Representing District 43 introduced HB 1253, this bill was ready to go when she was approached by Rep. Svedjan who was going to introduce a very similar bill-- there fore the two have agreed to an amendment which would combine the two bills in to this one once amended. This bill does one simple thing, it changes the age of the child from 4 to 5 years of age. She gave a series of formative statistics to support the change which would protect more children by requiring the restrain devices instead of allowing them to revert to seat belts at that young age. A copy of the information she referenced is attached.

Carol Holzer: ( 37.4 ) She works for the State Health Department in their injury prevention programs. A copy of her written testimony is attached. She also demonstrated and illustrated

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House Transportation Committee

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some of the latest innovations in child restraint devices. She also discussed amendment changes that were being proposed in the penalty points and increases in the fines.

Rep. Dosch: Do you have any statistics about kids being injured by age levels while using restraints? Say a 5 -- 6 -- 7 or even 8.

Carol Holzer: I don't have that but the DOT may have some information on that.

Rep. Weisz: What is the participation rate --- usage and compliance? In that 5 and 6 years of age group?

Carol Holzer: We have been providing a lot of booster seats and we kind of use that as a gauge -- the public Health Agency reports that the demand has been increasing -- we also do observation surveys by standing on the street corners and report how kids are riding -- Infants seem to be fairly high -- it drops for toddlers -- we don't gather specific as whether they are riding in a booster seat or with a seat belt at this time.

Rep. Ruby: ( 47.8 ) You mentioned that North Dakota is the only state that doesn't have the two penalties -- how many other states do the points?

Carol Holzer: I could check that out for.

Dr. Twogood: Representing the North Dakota Academy of Pediatrics. A copy of his written testimony is attached.

**His testimony is continued on Tape 3 Side A.**

Dr. Twogood: Continued at ( 0.1 )

Rep. Weiler: The height requirement -- what if the child is six years old and 4 feet 6 inches ?  
So the bill not have a height requirement instead of an age?

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House Transportation Committee

Bill/Resolution Number HB 1253

Hearing Date January 30, 2003

Dr. Twogood: That would be optimal. But an age will catch the majority and we will be trying to get the agree limit up to 7 years old and across the country that age is 8 years old.

Rep. Weisz: We get a little bit confused on this because everybody has been in here talking about the programs they are using and you are talking about parents want safety and yet they are not doing it? --- Why do we have to pass a law?

Dr. Twogood: It's a real miss understanding because when I check into it about where people get there information -- they say its the law so the law is there is perception the law is the last word.

Pat Ward: Representing State Farm Insurance had some hand-outs. A copy of his information is attached. He urged amending to 7 years of age. State Farm had done much research into this area. His statistics showed that 47% of the children injured in motor vehicle accidents were completely unrestrained. Generally 80 to 40 pound youngsters should be restrained. You could put height and weight requirements in the law but then law enforcement would have to carry a scale and a yard stick for measurements of compliance. A 1998 Harris Poll showed that 90% of Americans supported child restraint laws and a 2001 poll showed that 79% of the public supported strict police enforcement of child restraint laws. The public favors extending the child restraint laws.

Candace Muggenud: ( 5.0 ) Discussed their experience with several years of usage and her testimony was that she and her husband support legislation which reflects the safety standards for children.

Keith Johnson: Representing North Dakota Public Health Association and urged support for the 7 years amendment and passage of this legislation. The rationale for including this in law assures more uniformity of use.

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Carol Thurne: North Dakota Department of Transportation Safety Coordinator spoke in support of the bill and her written testimony is attached.

Rep. Weisz: Were there any fatalities in the 4- 6 years of age range?

Carol Thurne: I don't have but will get it for you.

Rep. Ruby: ( 10.1 ) You hear a lot of statistics about children fatalities and injuries who were not restrained -- do you have any statistics of how many fatalities and injuries of those who were restrained?

Carol Thurne: I don't have these numbers with me right now. I will get that for you.

there being no one wishing to testify further either for or against HB 1253, Chairman Weisz closed the hearing.

End of record ( 11.4 ).

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1253

House Transportation Committee

Conference Committee

Hearing Date 2-7-03

Tape Number	Side A	Side B	Meter #
2	xx		46.7-end
2		xx	0-26.3
Committee Clerk Signature <i>Laura B. Fisk</i>			

**Minutes:**

**Chairman Welsz:** What are the committee's wishes in regard to HB 1253.

**Carol Thurn. Safe Kids Coalition in Grand Forks:** Defined child restraint system, infant car seat, a pop up car seat, the second section says that the fee would be changed to \$50, right now there is no penalty, also remove a section of the law that says "no fee may be imposed by the state, city, or county." That was put in, in the 1999 session. Change the terminology from seatbelt to safety belt and that would make it consistent with the safety belt law. The other exception dealt with the child under 7 years of age, instead of Rep. Delmore's bill, said under 5 years of age. So this would take children to 6 years of age. The portion that is underlined, if the child weighs more than 40 lbs., a lap belt may be used instead of the child restraint system. The last one, there had been discussion about making this effective January 1, 2004, this gives the State Health Dept. and the local agency time to make sure they have enough booster seats available and education.

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**Rep. Delmore:** The one point is now in effect in current law, but not the \$50.

**Ms. Thurn:** Correct. Current law has 1 point against the driver.

**Rep. Delmore:** For a violation.

**Ms. Thurn:** It would be if you had 3 unrestrained children in the vehicle, that would be one point.

**Rep. Thorpe:** In section 2 of that amendment, \$50, doesn't that seem a little severe, I can appreciate, it isn't everybody that can throw \$50 out of their wallet. We do have a lot of single moms in the state with youngsters, and granted they should use the restraints, but isn't \$50 a little severe.

**Ms. Thurn:** I think the \$50 was put in, to make it comparable to other child safety legislation. From my standpoint, any type of a monetary fine would be appropriate in addition to the point on the license.

**Rep. Thorpe:** I guess personally I'm not convinced that \$50 is appropriate. I would much prefer to see like \$20 there.

**Ms. Thurn:** That would be okay for me.

**Rep. Delmore:** I move the amendments: \$50 fine and raising the age to under 7 years of age.

**Rep. Hawken:** Seconded.

**Rep. Delmore:** I make a motion to further amend the amendment to say \$25 fine rather than \$50, and where it says under 7 years of age, I would put under 40 lbs.

**Rep. Price:** Seconded.

Voice vote: Carried.

**Rep. Weller:** I make a motion to further amend to add under 4'8" and take out 40 lbs.



