

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1394

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Deanna H. Bell
Operator's Signature

10/3/03
Date

2003 HOUSE TRANSPORTATION

HB 1394

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1394

House Transportation Committee

Conference Committee

Hearing Date January 31, 2003

Tape Number	Side A	Side B	Meter #
1		x	40.4 to 53.4
2	x		
			1.7 to 8.3
Committee Clerk Signature <i>Laura J. Zick</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1394, a bill for an Act to create and enact a new subsection to section 39-06.1-05 and a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to offenses exempted from administrative proceedings and demerit point; to amend and reenact sections 39-06.1-09 and 39-10-26 of the North Dakota Century Code, relating to yielding to an emergency vehicle; and to provide a penalty.

Rep. Aarsvold: Representing District 20. This bill which you have before -- I am the prime sponsor has to do with emergency vehicles. In the pre-session I visited with law enforcement -- both the Highway Patrol and our local sheriff's departments to see what kind of risks are posed to our officers stopped performing arrests, emergency vehicles carry out their responsibilities, -- people endangering the lives of our officers as they carry out their functions. This bill provides

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10/3/03
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House Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date January 31, 2003

for 2 demerit points for crashing into or causing an accident with an emergency vehicle. He urged support for passage of this bill.

Rep. Carlisle: Representing District 30 in Bismarck signed onto the bill along with a couple of EMT's. We believe in the concept. Representatives Porter and Severson agree with the concept. They support passage of this bill.

Rep. Severson: Representing District 23 -- as an EMS I can't stand here and cite a lot of crashes --- but I know from experience there are a lot of people create situations which we need to avoid. We support passage of this bill.

Rep. Weisz: Do people not understand the procedure for avoiding your vehicles --is it that they don't care?

Rep. Severson: I don't know the answer -- they experience everywhere -- people don't pull over to let us by but we do have an obligation to the patient we are delivering to medical services.

Rep. Ruby: The new language here in subsection 4 relates to subsection 2 which talks about an emergency vehicle is parked -- subsection 1 deals with vehicles moving -- so is this mainly for just when your are in the process of doing your work -- not just for pulling over? And what is the current penalty?

Rep. Severson: Patrolman Bethke will be addressing those things?

Rep. Schmidt: this is a good bill until you get to the very last line -- you need an "of" insert there.

Rep. Severson: Good reading -- you are right.

Captain Bethke: (52.9) Representing the North Dakota Highway Patrol -- Safety and Education Officer -- stated the present law the driver requires that a driver who approaches an

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House Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date January 31, 2003

emergency vehicle displaying lights and proper markings to proceed with caution , to moved a lane away yield right of way and if the driver can not change lanes safely, the driver must proceed with due caution, reduce the speed of the vehicle, an maintain a safe speed for road conditions --- now the requirements of this law pertains to multi lane highways outside of the city, unless the highway is a par f the Interstate Highways. The current penalties for violation of this law is \$50 and 2 points -- even if it involves the striking of (53.4)

End of tape - continue on side B

Captain Bethke: (con'd) **NOTE:** a short portion of Captain Bethke's testimony was missed in the changing of the tape.

He spoke of the brochures, the talk shows and what some other states are doing such as highway signs alerting people to drive cautiously, slow down or even stop to allow emergency vehicles to pass. In the past several years nine Highway Patrol vehicles have been struck on multi-lane highway system. Two of these resulted in the striking of a trooper -- both were seriously injure. Being a law enforcement officer is a very dangerous business and they risk their lives every day. I stand in support of this bill.

Rep. Price: (1.9) I note that on the information you have here that there are twice as many deaths alcohol related as there are drug related -- is there any reason for that?

Captain Bethke: I don't know the reasons for that but off the top of my head I would guess that 's because alcohol is more prevalent.

Rep. Weisz: What's the penalty going to be under proposed bill?

Captain Bethke: The penalty under the proposed bill would that of an infraction - - with fines up to \$500.

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House Transportation Committee
Bill/Resolution Number HB 1394
Hearing Date January 31, 2003

Rep. Hawken: About emergency vehicles on the Interstate -- you're going west and the emergency vehicle is going east -- am I still suppose to slow down?

Captain Bethke No. Yielding to an on coming emergency vehicle on a divided highway -- you don't have to.

Keith Sorenson: Representing the North Dakota EMS Association and a lobbyist for that group stood to state their support for HB 1394.

There being no one appearing in opposition and there being no other persons wishing to testify, Chairman Weisz closed the hearing on HB 1394.

End. (4.1)

Action -- Rep. Price: Moved the minor amendment of adding the word "of" in the last sentence of the bill. Rep. Hawken seconded the motion. Motion carried on a voice vote.

Rep. Zaiser moved a 'Do Pass as Amended motion for HB 1394. Rep. Price seconded the motion. On a roll call vote the motion carried 12 Ayes 0 Nays 1 Absent and not voting.

Rep Zaiser was designated to carry HB 1394 on the floor.

End of record (8.5)

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10/3/03
Date

30638.0101
Title.0200

Adopted by the Transportation Committee
January 31, 2003

VR
1/31/03

HOUSE AMENDMENTS to HB 1394 htrn 2-03-03

Page 3, line 6, after "guilty" insert "of"

Renumber accordingly

Page No. 1

30638.0101

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Date: 1/31/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1394

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 30638.0101

Action Taken Do Pass as Amended

Motion Made By Rep Zaiser Seconded By Rep Price

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Ciara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment Rep. Zaiser

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

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Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
February 3, 2003 9:19 a.m.

Module No: HR-20-1494
Carrier: Zaiser
Insert LC: 30838.0101 Title: .0200

REPORT OF STANDING COMMITTEE
HB 1394: Transportation Committee (Rep. Welsz, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1394 was placed on the
Sixth order on the calendar.

Page 3, line 6, after "guilty" insert "of"

Renumber accordingly

(2) DESK, (9) COMM

Page No. 1

HR-20-1494

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2003 SENATE TRANSPORTATION

HB 1394

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1394

Senate Transportation Committee

Conference Committee

Hearing Date 03/21/03

Tape Number	Side A	Side B	Meter #
1		x	604 - 2435

Committee Clerk Signature *Mary K Monson*

Minutes:

Chairman Trenbeath opened the hearing on HB 1394, relating to offenses exempted from administrative proceedings and demerit points; relating to yielding to an emergency vehicle; and to provide a penalty.

Representative Aarsvold testified in support of the bill. A very dangerous situation that is faced by law enforcement personnel every day is that drivers do not give them very much room to perform their work when they have duties on or near the roadway. This bill would add two demerit points and an infraction violation if someone collides with an emergency vehicle carrying out its work with its lights appropriately running.

Senator Trenbeath asked if we are talking about collision instead of accident? (meter #850)

Representative Aarsvold said the language comes from counsel and he is presuming they have the preferred language in the bill.

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Dennis Hall
Operator's Signature

10/3/03
Date

