

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1254

2007 HOUSE TRANSPORTATION

HB 1254

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1254

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-25-2007

Recorder Job Number: 1889

Committee Clerk Signature

*Jean M Thomas*

Minutes:

**Chairman Weisz opened the hearing on HB 1254. All Representatives were present.**

**HB 1254 relates to secondary enforcement of safety belt requirements.**

**Rep. Gruchalla** introduced the bill.

**Rep. Gruchalla:** I am involved in this because of my background in law enforcement. I always think if I'm going to buy a car, I will talk to the mechanic and find out what's a good car. In this case, I think the people of North Dakota should listen to the people that are involved in this type of thing. The people that are going to speak today have been involved in crash situations. The ER people etc. We have some prospective that a lot of people don't have. I would like to tell people that if you went through what I went through, you would be in favor of this bill also. You have a one in eighty-eight chance of getting killed in a car accident, statistically. Medical costs are skyrocketing and the federal government will give money for passing this law.

**Rep. Ruby:** As you said, this is a good idea and I said its good idea to be buckled up and you want to put a law in that we protect the safety, but my concern is, where do we stop there? It's the same concern I have with the smoking ban because it seems to go to more and more places and pretty soon outdoors, where would this go? Of course it's going to be safer if you

are buckled up and you could hit your head, pretty soon, should you wear a helmet when you are in a car?

**Rep. Gruchalla:** Fortunately, in this case, we have other jurisdictions to look at and see what is happening. Several states have had this for five or ten years and it hasn't been a problem. What they have noticed is that the injury rate in accidents has gone down. For that reason, I think it's time to pass this law.

**Rep. Owens** spoke in support of the bill.

**Rep. Owens:** I am interested in this bill not from the standpoint of the seatbelts themselves, but from what it would allow law enforcement to do in relationship to DUI. That represents between forty and fifty percent of the deaths in North Dakota every year. From that standpoint, someone is going to drive drunk, doesn't normally think about wearing their seatbelt. They are lucky to find their keys in some cases. They get in the car, drive down the road and if this is a primary law, they can get pulled over for that and possibly prevent them from harming someone else. Another reason for the seatbelts is that before last session, I am driving my son's car home from work and I pulled over into the next lane, when someone cut me off and rearranged my bumper. She was wearing a seatbelt, which was good for her, because she hit me at about twenty miles an hour by the time she slowed down and her airbags never went off. So to rely on airbags solely, I think is a mistake.

**Carol Meidinger**, North Dakota Seat Belt Task Force, spoke in support of the bill. See attached written testimony.

**Rep. Delmore:** Do you have any statistics of other states including the difference in those with a primary enforcement and those without?

**Meidinger:** The data show that with states that have the primary enforcement, that usage goes up anywhere from ten to fifteen percent, depending on the state.

**Rep. Ruby:** I applaud your efforts. The only frustration I have had with "Click it or Ticket" is that it seems to imply that we already have a primary seatbelt law because it pretty much is a threat, and of course you can't get pulled over unless it is for some other reason. Seventy-nine percent almost seemed unachievable five years ago and why aren't you encouraging more of that as well?

**Meidinger:** The one thing that the task force looked at and had the DOT look at the cost of the educational campaign and they have spent literally millions of dollars on the campaigns over the years.

**Rep. Kelsch:** Is someone going to get into more detail on the 5.1 million dollar grant?

**Meidinger:** I believe someone from the department can speak to that.

**Rep. Vigesaa:** Do you have a breakdown of stats of seatbelt use in rural vs. urban areas?

**Meidinger:** I think someone from the Hwy Patrol can answer that.

**Carma Hanson,** Safe Kids Grand Forks and Altru Health System, spoke in support of the bill. See written testimony.

**Gene LaDoucer,** Triple A of North Dakota, spoke in support of the bill. See written attached testimony.

**Sandy Updahl,** North Dakota Nurses Association, spoke in support of the bill.

**Updahl:** I am a registered nurse and have sadly witnessed the tragedy of one of these accidents. My niece in Texas was surprised to hear that we don't already have a law in place for this. I hope when you ponder this bill, you do what is right for the citizens of North Dakota.

**Dr. Todd Twogood,** North Dakota Chapter of the American Academy of Pediatrics, spoke in support of the bill. See written testimony.

**Col. Bryan Klipfel,** North Dakota Highway Patrol, spoke in support of the bill. See written testimony.

**Rep. Dosch:** How many tickets does the highway patrol issue per year?

**Col. Klipfel:** About sixty thousand per year, approximately.

**Rep. Dosch:** In your estimation, will this increase if the law is enforced as primary?

**Col. Klipfel:** Our troopers have issued over ten thousand citations for seatbelt violations also.

We have aggressively enforced that also.

**Rep. Dosch:** When you come up on a motor vehicle accident, is it fairly easy to tell if the victim was wearing their seatbelt?

**Col. Klipfel:** Normally, if we don't know, we put unknown down. Injuries and witness help with that.

**Mary Scott,** North Dakota Emergency Nurses Association, spoke in support of the bill. See written testimony.

**Joel Gilbertson,** Auto Manufacturers Association, stated for the record, that the association supports the bill.

**Pat Ward,** State Farm Insurance, spoke in support of the bill.

**Ward:** Wearing seatbelts can cause fewer fatalities and thus cause lower premiums for insurance clients because of lower claims.

**Rep. Ruby:** A few years ago, seatbelts had a flaw in them where a family was told that their daughter wasn't wearing the seatbelt and then they found out there was a flaw in it that the hip hit the back of this, has this been corrected?

**Ward:** I don't know.

**Marilyn Simmons,** representing herself, spoke in support of the bill.

**Simmons:** I am the mom of a sixteen year old that was saved by the belt. I would support this bill.

**Chairman Weisz allowed opposition to this bill at this time.**

**Ralph Muecke**, on behalf of himself, spoke in opposition to the bill. See written testimony.

There were no questions from the committee.

**Brad Manz**, spoke in opposition to the bill. See written testimony.

There were no questions from the committee.

**Dwayne Wahl**, representing himself, spoke in opposition to the bill.

**Wahl:** This is costing me money to be here. I have a five thousand dollar Ag Show going on in Minot, but I drove here because of my rights. There is a big cloud over the real issue here.

Everybody that has come up to talk about why we should have seatbelts that is not the issue. It is the freedom that this other gentleman talked about. I will briefly go through that. Federal Highway funding for the highway. That is putting a price tag on our personal freedoms. A

lobbyist got into trouble for doing favors. What is different from that vs. the federal government blackmailing and threatening this money if we don't do what they want. Unfortunately, that is looked at differently. I don't think that our rights should be for sale. Where do we stop with this?

If you talk about the insurance side of it, I've been in business for twenty two years. My insurance bill is twenty three thousand dollars a year with a five thousand dollar deductible.

There were no questions from the committee.

**Loren Campbell**, representing himself, spoke in opposition to the bill.

**Campbell:** I think that seatbelt usage should be a choice. We are not wards of the state.

**Robert Behm**, Past President of Power Fuels, spoke in opposition to the bill.

**Behm:** I had a truck driver get in an accident and he would have been dead if he would have had his seatbelt on.

There were no questions from the committee.

**There was no more opposition to the bill. Chairman Weisz closed the hearing on HB 1254. No action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1254

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-02-2007

Recorder Job Number: 2694

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz allowed committee discussion on HB 1254. All Representatives were present. HB 1254 relates to secondary enforcement of safety belt requirements.**

**Rep. Weisz:** Did everyone get the handout that Rep. Gruchalla passed out? We all know what the bill does, so we will entertain a motion and open it up for discussion.

**Rep. Owens moved a DO PASS. Rep. Thorpe seconded.**

**Rep. Gruchalla:** I would like to just point out that the flyer that came out, was a good piece of information and Illinois figured that the first year, they had one hundred and fifteen fewer people killed because of the primary seat belt law. One of the handouts that we received said that North Dakota will save roughly ten people if we pass this. I think that show that this study they did compare with the data that the DOT had here.

**Rep. Weisz:** We currently have no loss of federal funds. There is a program of a one time deal where if you pass the primary enforcement or your state reaches eighty five percent seat belt compliance, they are eligible for a one time grant of 5.1 million dollars, if either one of those occur. North Dakota will be at eighty-five percent without the primary law.

**Rep. Kelsch:** It's like a million dollars is used for safety and education and the rest can be used for putting in stop signs and stop lights and some of those things, but it can't go to roads.

**Rep. Kelsch:** It can go to widening a turn lane and rumble strips.

**Rep. Weisz:** Every time I talk to DOT they are grumbling that they are having trouble spending the money. Again, we won't lose any money.

**Rep. Ruby:** To me, I just see this, it was voted down by the people over and over, and they didn't want it. Then there was an agreement, well, let's just get the secondary enforcement to make sure we don't lose the funding that was attached to it at that time and previous law makers at that time said they were promised that the secondary enforcement would be all they would ever come in for and I just don't see the societal damage of people driving around without a seatbelt on. It makes good sense and that is fine, but it makes good sense to wear a helmet on a motorcycle, and a bike, but I just don't like the idea that we are putting in law and making it penalty for all of these little safety things that don't always affect other people. We are going to erode people of all things they do that are unsafe for them.

**Rep. Owens:** I appreciate his point of view, but particularly on going to the voters, but the last time we went to the voters was 1994. It's been thirteen years, are we assuming that people don't ever change their mind? It's more like a symptom the way I view it. I am viewing this as a tool to be able to pull people over for DUI's. I am hoping that allowing them to stop them for a seatbelt is going to increase that.

**Rep. Ruby:** If we are going to use one aspect of driving to enforce another, I think that is the wrong way to look at it. If we are going to do that, then why wouldn't require the breath air lock on every vehicle. Where are you going to stop?

**The question was called.**

**Roll call vote: 6 yes. 7 no. 0 absent.**

**Motion failed.**

**Rep. Ruby moved a DO NOT PASS. Rep. Sukut seconded.**

**Roll call vote: 7 yes. 6 no. 0 absent.**

**Carrier: Rep. Schmidt.**

Date: 2-2-07  
 Roll Call Vote #: 1254

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. \_\_\_\_\_

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Owens Seconded by Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz		✓	Rep. Delmore		✓
Vice Chairman Ruby		✓	Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch		✓	Rep. Schmidt		✓
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut		✓			
Rep. Vigesaa		✓			

Total Yes 10 No 7

Absent motion failed

Floor Assignment \_\_\_\_\_

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

Date: 2-2-07  
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1254

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do NOT PASS

Motion Made By Ruby Seconded by Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla		✓
Rep. Dosch		✓	Rep. Myxter		✓
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens		✓	Rep. Thorpe		✓
Rep. Price		✓			
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 7 No 6

Absent \_\_\_\_\_

Floor Assignment motion carried / Rep. Schmidt

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

REPORT OF STANDING COMMITTEE (410)  
February 2, 2007 12:07 p.m.

Module No: HR-23-1944  
Carrier: Schmidt  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1254: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS**  
(7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the  
Eleventh order on the calendar.

2007 TESTIMONY

HB 1254

**Testimony in Support of HB 1254**  
**House Transportation Committee**  
**January 25, 2007**  
**Carol Meidinger - ND Seat Belt Task Force**

Good morning, Chairman Weisz and members of the committee. My name is Carol Meidinger and I am chair of the North Dakota Seat Belt Task Force. The Task Force includes representatives of health and safety organizations and individuals from throughout the state who are concerned about the number of people who die and are injured in motor vehicle crashes. Many of these deaths and injuries could have been prevented with the simple use of a seat belt.

The Task Force met in July of last year to discuss ways to increase the use of seat belts. We reviewed data on the number of deaths and injuries, types of crashes, and restraint use in crashes. We discussed current educational programs such as Click it or Ticket and Do Buckle, Don't Booze. We looked at what other states have done to increase seat belt use in their states. At the conclusion of the meeting, it was the consensus of the group that one of the most effective and least expensive ways to increase seat belt use would be to encourage lawmakers to amend the seat belt law to allow primary enforcement.

The Task Force looked at three specific benefits of a primary enforcement seat belt law:

1. Reduce deaths and injuries from motor vehicle crashes
2. Save dollars on healthcare and other costs associated with motor vehicle crashes
3. Bring federal funding to the state. North Dakota will receive a one-time grant of \$5.1 million by enacting primary enforcement seat belt legislation or attaining seat belt use of 85% for two consecutive years.

Seat belt use in North Dakota is currently at 79 percent. That has been achieved through education and enforcement of the current secondary law. Yet, about 70 percent of those killed in crashes are unrestrained. The question is: how do we convince the remaining 21 percent of the population (who appear to be those involved in fatal crashes) to buckle up. Unfortunately, there are some people who will buckle up only when they know they can be stopped and cited for a violation.

On behalf of the North Dakota Seat Belt Task Force, I would urge a Do Pass recommendation on HB 1254.

**Testimony  
House Bill 1254  
House Transportation Committee  
Thursday – January 25, 2007  
Safe Kids Grand Forks - Altru Health System**

Mr. Chairman and members of the House Transportation Committee, my name is Carma Hanson. I am a Registered Nurse and the Coordinator of Safe Kids Grand Forks. Our childhood injury prevention coalition is a community-wide group with Altru Health System as the lead agency. I also serve as a certified child passenger safety technician and coordinate much of the motor vehicle occupant work done within the Grand Forks community and surrounding areas. I am here today to testify in support of House Bill 1254.

Motor vehicle crashes are the leading cause of injury death to the citizens of North Dakota. In 2005, 123 people were killed and another 4,360 were injured in traffic crashes in the state. Of those that were killed, 70% of them were riding unrestrained. This is an alarming number of citizens from our state that are injured or killed each year.

I have long been active in the Grand Forks Republican Women and am currently serving as their president. I am not coming before you today to speak on behalf of that group as I don't believe that this issue should be one of Republican or Democratic politics. It is not about the desecration of any state or federally granted constitutional rights. Driving a vehicle in the state of North Dakota is NOT a right. It is a privilege granted to people who are deemed qualified to drive and who follow the rules of the road set forth by our laws. Wearing a seat belt is already a law in our state. However, it is the ONLY traffic violation that is a secondary enforcement.

Effective laws are ones that are proven to work and that have no loopholes. I am confident there are not many people that would argue with me that wearing a seat belt saves lives. I am not here to debate that issue. I do however contend that if we are going to have a law that requires seat belt use, there needs to be the opportunity for law enforcement to assure compliance with that law, just as they do with speeding, stopping at stop signs, using our turning signals and all other laws that keep us safe on our state's roads and highways.

We know that unbelted drivers have medical bills 50% higher than belted drivers and our society pays 74% of that cost. That means that for every resident in the state of North Dakota, it costs each of us \$452 per year to cover the costs from these victims. The "choice" to wear a seat belt or not, DOES affect other people. It affects the citizens that pay for the increased costs for insurance, the increased costs for medical care or the cost for emergency personnel to respond to crash scenes. It affects the lives of the trooper that has to ring the door bell of a loved one or the nurse or doctor who gives the news that a spouse, child, parent or

loved one has been lost to a crash that should have been survivable had a seat belt been worn.

This health care crisis should be viewed as a public health concern, not a political issue. The government regulates safety in many ways. Children are required to have vaccines before entering school, airlines require seat belt usage before take-off and landing, workplace safety standards are enforced on a routine basis and violators face very stiff fines and penalties. These are just a few of the rules put in place to assure the health and safety of our state's citizens. From a public health perspective, this bill should be viewed favorably in that it is proven effective in increasing the number of people using seat belts and it costs our state NO money to implement. There are not many laws that save lives, save money and cost nothing to implement.

It is with great hope that you will view this as a public health issue and support this legislation. Safe Kids Grand Forks and Altru Health System thank you for your support of House Bill 1254.

Carma Hanson, MS, RN  
Coordinator – Safe Kids Grand Forks  
C/O Altru Health System  
[chanson@altru.org](mailto:chanson@altru.org)  
701-739-1591

**Testimony in Support of HB 1254**  
**House Transportation Committee January 25, 2007**  
**Mary Scott, North Dakota Emergency Nurses Association**

My name is Mary Scott. I am the president of the North Dakota Emergency Nurses Association. We are in support of this bill.

North Dakota can not afford to lose valuable members of our state through death and disability caused by motor vehicle crashes when they are so preventable. In health care we can not prevent deaths from cancer, heart disease or stroke but we know that seat belts are effective in reducing deaths and injuries in motor vehicle crashes.

A North Dakota Hospital Emergency Department did a study from 2001 and 2004 and found the following conclusions:

- Unrestrained motor vehicle crash patients were twice as likely to be severely injured than patients that were restrained.
- Unbelted patients had an injury severity score 60% higher than patients that were belted.
- 317% more unbuckled patients sought medical treatment than patients that were buckled up.

How does ND compare to other states? Twenty-five states have already passed primary seat belt laws in order to save lives, reduce injuries and control health care costs due to unnecessary injuries. In the 2006 ENA National Scorecard, North Dakota scored 4 out of 10 with the lack of a primary seat belt law being one of the factors. The 2007 Roadmap to Highway and Auto Safety report lists North Dakota as a "red" state in the danger zone also citing lack of a primary seat belt law as a factor.

North Dakota is blessed with excellent EMS personnel, nurses and physicians. Everyone works tirelessly to assist the trauma victim. With all of our experience and expertise in emergency care, we do not have the power that you the members of the legislature have to save lives. You can make a change in our law that could save 50% of those fatalities that occur each year and reduce the extent of injury to so many others.

On a personal level I have been an Emergency Nurse for 22 years. I have sat with grieving families that have lost a loved one in a motor vehicle accident. I have cleaned the bloody and battered face of patients that did not feel they needed to wear a seat belt because they were "only running a few errands in town." I do not need statistics to tell me something I have witnessed for the past 22 years. Seat belts save lives and decrease the severity of injury to patients in motor vehicle crashes. As a member of the Emergency Nurses Association we are committed to Injury Prevention. Please help us in our mission to keep the people of North Dakota safe by voting in support of this bill.

**HB 1254**

**Submitted by**

**Colonel Bryan Klipfel, Superintendent - NDHP**

Good morning, Mr. Chairman and members of the House Transportation Committee. My name is Bryan Klipfel and I am Superintendent of the North Dakota Highway Patrol.

The primary goal of the Highway Patrol is "Public Safety on the Highway."

The Highway Patrol supports the use of safety restraints by all vehicle occupants. This is evident through the many hours troopers spend on educational efforts encouraging people to buckle up. Troopers are also enforcing the existing secondary enforcement seat belt law. Should this Legislature enact a primary enforcement law, the Patrol would support the change and continue its enforcement and educational efforts.

Troopers recognize, often firsthand, the injury and lifesaving potential of safety restraint use as well as the life threatening consequences of their non-use. Fatal traffic investigation reports written by troopers too often have the following explanation:

- One vehicle rollover
- 1 fatality
- Safety belt not worn; ejected

According to information from the National Highway Traffic Safety Administration, rural Americans face a greater risk of being injured or killed in traffic crashes. A combination of factors is responsible for this risk. One of the factors is the low safety belt use. Last year in North Dakota, 63 percent of victims in fatal crashes were not wearing safety belts compared to 33 percent of victims in fatal crashes who were wearing safety belts.

Last year 48 out of the 101 fatal crashes in North Dakota were one vehicle rollovers. This represents 47.5 percent of total fatal crashes. The lack of safety belts worn by victims in these crashes is very high. Of the 48 victims killed in one vehicle rollovers, 39 were not wearing safety belts. The majority of those victims were ejected from a rolling vehicle.

There are too many crashes that have ended in the tragic and senseless death of unrestrained victims. Yes, it is true not everyone who is restrained survives a crash. However, being securely fastened in a safety belt and remaining inside a vehicle during a crash may be your best defense against being seriously injured or killed. I think the deadly statistics on one vehicle rollovers occurring in North Dakota speak for themselves.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions you or the committee may have.

