

2009 SENATE TRANSPORTATION

SB 2065

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2065

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 15, 2009

Recorder Job Number: 2065

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Lee opened the hearing on SB2065.

Senato Behm introduced the bill and told the committee of a near accident he had. He feels strongly that headlights should be on during the daytime for safety. He has received many e-mails in support of this bill and no e-mails against.

Senator Potter said in Canada when you drive in, there are signs that say, "Lights on for safety". What is the penalty for violation? He asked if we might be better served to have a public information campaign as opposed to putting a provision in law.

Senator Behm said he didn't have the answer for that.

Senator Nething said he believes there is a catch-all under 39-21.

Senator Lee asked intern to take a look at that section.

Senator Fiebiger said that it was his understanding that under current law, people are required to have their lights on in bad weather. He asked if this was Senator Behm's understanding.

SB Yes.

Senator Nething asked if daylight was sundown to sun up.

Senator Behm replied that it was just a common sense thing.

Senator Fiebiger asked what other states are doing.

Senator Behm didn't know.

Senator Nething asked if there was a reason we don't have all roads included.

Senator Behm replied that we had to start somewhere.

Senator Nodland asked if county roads were included. Is the intent to include all county roads?

Senator Behm replied yes. Gravel is even more dangerous because of dust.

No opposition.

Closed hearing.

Committee would like more information. Senator Nodland will work with Senator Behm to get more specifics.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2065

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 22, 2009

Recorder Job Number: 7572

Committee Clerk Signature

Jody Hanning

Minutes:

Committee Work on SB 2065

Senator Nodland said that he had done some research and there are already laws in the book that address headlights in all types of inclement weather. He believes most of this is already addressed in the law. He is concerned about more duplication. He stated that he understood the concern of the safety issues but he believes they are already addressed.

Senator Potter said he believed that everyone should drive with their lights on all the time. He would like the Department of Transportation to put up signs as opposed to more regulations but he is supportive of this bill. This bill will take judgment out of people's hands when it comes to inclement weather.

Senator Fiebiger echoes Senator's thought. The law enforcement officers he has talked to say having lights on does save lives.

Senator Nething moved a do not pass.

Senator Nodland seconded.

Senator Nething said the reason he does not support the bill is he wonders how much more we have to tell people what to do. He said that he also drove with his lights on but they are

automatic and they don't stay on all the time because they are adjusted so if you don't need them they go off.

Senator Potter said he did agree with Senator Nething that we are not Super Nanny but this seems like a pretty harmless one.

Roll call vote for a Do Not Pass: 3-3-0 Failed

Senator Potter moved a Do Pass on SB 2065.

Senator Fiebiger seconded.

Roll call vote on a Do Pass: 3-3-0. Failed

Committee discussed the possibility of an amendment for signs. Senator Potter said Department of Transportation could put up 10 across the state on major roads. Senator Nodland was concerned about the county having to put up signs at their expense. Also discussion on how many actual signs would be needed.

Senator Nething moved to send to the Senate floor without a recommendation.

Senator Potter seconded.

Roll call vote for a Do Pass with no recommendation: 6-0-0

Senator Nething will carry the bill.

Date: 1-22-09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2865

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended
Failed

Motion Made By Senator Nething Seconded By Senator Nodland

Senator	Yes	No	Senator	Yes	No
Chairman Senator Gary Lee	✓		Senator Tom Fiebiger		✓
Senator George Nodland	✓		Senator Richard Marcellais		✓
Senator Dave Nething	✓		Senator Tracy Potter		✓

Total (Yes) 3 No 3

Absent 0

Floor Assignment _____

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

Date: 1-22-9
 Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2065

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended
Failed

Motion Made By Senator Potter Seconded By Senator Fiebiger

Senator	Yes	No	Senator	Yes	No
Chairman Senator Gary Lee		✓	Senator Tom Fiebiger	✓	
Senator George Nodland		✓	Senator Richard Marcellais	✓	
Senator Dave Nething		✓	Senator Tracy Potter	✓	

Total (Yes) 3 No 3

Absent 0

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

SB 2065: Transportation Committee (Sen. G. Lee, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SB 2065

SENATE BILL NO. 2065

The Current Law:

39-21-01. When lighted lamps are required. Subject to exceptions with respect to parked vehicles, every vehicle upon a highway within this state must display lighted lamps and illuminating devices as required in this chapter for different classes of vehicles as follows:

1. At any time from sunset to sunrise, and every farm tractor upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise;
2. At any time when it is raining, snowing, sleeting, or hailing or during other adverse driving conditions and these conditions do not render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead; or
3. At any other time when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to render a person or vehicle on the highway clearly discernible at a distance of one thousand feet [304.8 meters] ahead.

Stoplights, turn signals, and other signaling devices must be lighted as prescribed for the use of such devices.

The Statutory Fees:

39-06.1-06. Amount of statutory fees. The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to exceed twenty dollars.

For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:

- a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
- b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
- c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- d. A violation of subsection 1 of section 39-12-02, a fee of one hundred dollars.
- e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

39-06.1-09. Moving violation defined. For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-16, 39-09-04.1, 39-09-09, subsection 1 of section 39-12-02, sections 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 4 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.