

2019 SENATE TRANSPORTATION

SB 2194

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2194
1/18/2019
31051

- Subcommittee
 Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill relating to motorcycle operator's licenses and motorized bicycles.

Minutes:

6 Attachments

Chairman Rust: Called committee back to order.

Senator Dwyer: SB 2194 was introduced at the request of a constituent. I was a little hesitant because I don't want to introduce anything that would create less safety for our kids operating motorcycles, but the folks that are in this business assured me that the safety folks and themselves could assure us that this wouldn't reduce the safety provisions for young people operating motorcycles.

Chairman Rust: I see only one change in the bill. It looks like we are going from 250cc to 510cc that's the only change, right?

Senator Dwyer: That is correct, that is the only change.

Annette Behm-Caldwell, Dealer Principal – Open Road Honda, Mandan: See **Attachment #1** for testimony.

Senator Dwyer: So none of the companies make motorcycles under 250cc anymore?

Ms Behm-Caldwell: I believe Suzuki still does and Yamaha makes one that to my understanding is like a cross between a mini bike and a smaller bike. However, new Honda, Kawasaki, Harley Davidson, BMW, KTM have all moved on. We also had three other dealers who were unable to attend today for various reasons, but have sent letters in support of this bill. I would like to submit those letters as well. See **Attachment #2** for letters provided to committee.

Bill Stork, Owner/Operator, Roughrider Harley Davidson: See **Attachment #3** for testimony.

Lonnie Bertsch, Executive Director, ABATE of North Dakota: See **Attachment #4** for testimony.

Chairman Rust: Do you know how many individuals 14 and 15-year olds have been killed in motorcycle accidents in North Dakota?

Mr. Bertsch: In North Dakota in the past 5 years there have been zero 14 or 15-year olds that have been operating a motorcycle and have died from a crash.

Chairman Rust: Do you have any statistics on injuries?

Mr. Bertsch: Injuries, yes. I've got some from the DMV, but I do not have them with me. There has been one serious, what they call incapacitating injury in 2016 I believe it was. Since then there have been minor injuries and a total of 8 in the last 3-years. That is cuts, scrapes, that type of thing with the 14-15-year olds as the operators of the motorcycle. I would be happy to get the exact statistics to you.

Senator Clemens: To me it would seem that passing the instruction on a 500cc motorcycle would actually better prepare a child regardless of their age for getting their license, because they're probably going to be buying a machine that size or larger anyway.

Mr. Bertsch: I tend to agree with you, but initially a 14-15-year old if they're limited to the 250cc they can't really go out and buy one. I know many parents that purchase it and say well, they're going to grow into it. But that isn't always the safest issue for them. Is it better for them to learn on a 500cc? Well you know, if we learn on the basics of here's how you get on, here's how you get off, here's how you move it, here's how you shift it, here's how you stop it and get off again safely. That will transfer all the way up and down line of the industry. The difference comes in with the weight of the motorcycle and the power of the motorcycle which will keep the people safer.

Chairman Rust: The whole idea I think of the 250cc was safety, the other part of safety is helmet. Refresh our memory again on what's the helmet law for that age?

Mr. Bertsch: the helmet law in the state of North Dakota is anybody under the age of 18 must wear a helmet. Anybody that enters our range and learns on a motorcycle it is mandatory while they are on our range they wear a helmet while they are in our class.

(17:25) Mandy Slag, Injury Prevention Program Director, North Dakota Department of Health: See **Attachment #5** for testimony.

Senator Dwyer: Do you know if there are there more or less accidents in the 4 states with CC limitations, than in the states that don't have restrictions on CCs?

Ms Slag: I can find that information for you and email it.

Senator Dwyer: I'm trying to reconcile the testimony that says very few states allow young people to drive these things, but North Dakota is only 1 of 4 that has a limit.

Ms Behm-Caldwell: When I was doing my research on the AAA site I specifically looked at states that looked at the CCs on the motorcycle. As you can imagine, each state's regulations are different. So some states restrict riders to different hours and different things. New Mexico restricts the CCs depending on the age, they go as young as 13-years old. Depending on their age, like a 13-year old can ride from a 50cc to a 100cc, Arkansas ages 14 and older may use a motor-driven cycle between 50cc and 250cc Arkansas goes down to age 10, Tennessee persons who are 15-years of age may not operate a motorcycle with an engine size bigger than 650cc. There are other restrictions like if they can or cannot carry passengers, if they have to be with other riders, day light hours, things such as that. But, because they are so varied I wanted to be very specific on other states that restricted the CCs on the motorcycle and we are one of four.

Chairman Rust: When I was a kid I loved cars, I loved fast cars. You had to have a pretty good sized cubic inch engine to get you 300hp. Now you can get a 4-cylinder that'll blow that drawers off that thing. So I understand 35-years ago 250cc probably put out X number of horsepower, I bet today if they made them 250cc could put out horsepower you would believe. It is interesting that we can't really equate CCs to horsepower and I think that was given to us. Is my observation on that correct, with regard to CCs and power don't necessarily equate to one another, is that right?

Mr. Bertsch: Yes, I would have to agree with you.

Chairman Rust: Seeing no other testimony the hearing on SB 2194 is closed.

Attachment #6 was submitted to committee at a later date.

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2194
1/24/2019
31425

- Subcommittee
 Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill relating to motorcycle operator's licenses and motorized bicycles.

Minutes:

4 Attachments

Chairman Rust: I just want to give you some information. I asked how many motorcycles there were, licensed, 40,700 motorcycles in North Dakota. Would anybody have guessed it was that high? See **Attachment #1** for more information. See **Attachment #2** for more information on injuries. See **Attachments #3-4** for information from other states.

Senator Bakke: I remember being told there were very few motorcycles under 510cc but I received an email in which someone told me there was on that was 300 something.

Senator Patten: I believe there were very few manufactures that provided a 250cc motorcycle by moving it up to 500cc then you expanded the list. I believe the list is in previously provided testimony from Annette Behm-Caldwell with Open Road Honda.

Chairman Rust: The consternation I think we have would be do we increase the CCs and now we have a more powerful motorcycle, which I don't know if that's true or not because we all know you can have a 4-cylinder engine now days that develops a lot of horsepower. We kind of think they can't compete with an 8-cylinder, but they develop a lot of horsepower. Do we want to increase the CCs? The fear is that if we did that what happens if there is a death or serious injury, how are we going to feel about ourselves having done that, right? That's the consternation I have.

Senator Patten: Yes, that is a concern going from 250cc to 500cc, but also right now we're dealing with the 250cc a lot of the bikes that are there are 2009 and older. So they are older style bikes and probably less safe bikes. The testimony we heard indicated that the newer bikes are much safer and they have different handling characteristics. We can't completely prevent somebody from having an accident. I wonder if it isn't a tradeoff the higher CCs are also balanced by better construction, better manufacturing, better handling characteristics, lower centers of gravity, better braking, all those other components, so you're probably with that 500cc in a new bike in better condition or better shape than a 2008 and a 250cc old bike.

Senator Clemens: I agree with what Senator Patten is saying. I'm a motorcycle rider myself. Limiting it at 510cc you're not going up to the real big bikes. Besides the 500cc being better equipped, they also have larger wider tires, the extra weight makes them much safer to handle especially for a bigger 14 or 15-year old kid than it would be on a 250cc. Yes, the possibility to speed is there, but there is enough speed on a 250cc to get you in trouble too. I look at the size as being probably a plus.

Senator Bakke: Do we require young people this age to wear helmets?

Chairman Rust: Yes. I believe you have to wear a helmet under the age of 18.

Senator Bakke: Ok, then I move a **Do Pass**.

Senator Fors: Second.

A Roll Call Vote Taken: Pass 6-0-0

Carrier: Senator Fors

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO: SB 2194**

Senate Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Senator Bakke Seconded By Senator Fors

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Fors

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

REPORT OF STANDING COMMITTEE

SB 2194: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2194 was placed on the
Eleventh order on the calendar.

2019 HOUSE TRANSPORTATION

SB 2194

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2194
3/8/2019
#33440

- Subcommittee
 Conference Committee

Committee Clerk: Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A BILL relating to motorcycle operator's licenses and motorized bicycles.

Minutes:

Attachment #1-5

Chairman Ruby opened the hearing on SB 2194.

Senator Dwyer, District 47, introduced SB 2194 and asked for support for the bill. The bill was introduced for constituents that have motorcycle businesses. My first question about the bill was about safety. I was convinced that the new law will be even safer with the new motorcycles than the law we have now.

Chairman Ruby: Would you be open to us looking at an equivalent measurement to CCs?

Senator Dwyer: I think the motorcycle people could better answer that.

Annette Behm-Caldwell, Dealer Principal – Open Road Honda, Mandan, spoke to support SB 2194 and provided written testimony. See attachment #1.

8:00

Representative Weisz: Why are you using 510 cc instead of 500?

Annette Behm-Caldwell: They range anywhere from 499-510.

Representative Weisz: None of them are over 510 then?

Annette Behm-Caldwell: No, not in Hondas anyway.

Representative Jones: Does a Yamaha 125 have 125 CCs.

Annette Behm-Caldwell: Yes, that is the way it is designated.

Representative Jones: How much horse power do they have?

Annette Behm-Caldwell - The power is not measured in horse power, so I can't tell you about that. Technology continues to change, and electric bikes are coming, but I see that as a separate discussion from this.

Two letters from Full Throttle Motor Sports and Roughrider Harley Davidson were provided to the committee in support of SB 2194. See attachments # 2 and 3.

14:00

Lonnie Bertsch, Executive Director of ABATE of North Dakota, spoke in support to raise the CCs in SB 2194, but would like to see an amendment to 310 cc's instead of 510. Written testimony was provided. See attachment #4.

Representative Nelson: What kind of trouble are the kids having with the bigger bikes?

Lonnie Bertsch: I've seen that the higher CC bikes are usually heavier. They handle quite well compared to the old bikes, but the power is the issue with these kids. They are used to video games where faster is better, but in real life you can't just dust yourself off and go again.

Representative Nelson: Do you have any ideas about the CC's and electric motorcycles, and how to classify them?

Lonnie Bertsch: There hasn't been a lot of talk about it yet and how to deal with it.

Discussion about horse power and ccs.

There was no further support for SB 2194.

23:00

Deanna Askew, Director of the Division of Injury and Violence Prevention at the North Dakota Department of Health, spoke to oppose SB 2194. She provided written testimony. See attachment #5.

Representative Paulson: With the four states that you mentioned, are you aware of the last time that they updated their statutes?

Deanna Askew: No, this information was taken from AAA as well as cross-checked with their Department of Motor Vehicles.

Chairman Ruby: Do you have any data that shows accidents that are in the state?

Deanna Askew: No, I don't have that data.

Lonnie Bertsch: The one sheet I handed out shows the crash statistics in the state of North Dakota.

Chairman Ruby: On the chart that you provided, were the eight-year-olds riders or drivers?

Lonnie Bertsch: We got this information from the Department of Transportation. It shows that there are some eight-year olds that were passengers. They are passengers and drivers both on here. We don't know if they were drivers or riders.

There was no further testimony in opposition to SB 2194.
There was no neutral testimony.

Representative Weisz: There is no reasonable way to look at horse power. I don't have a problem with the bill the way it is.

**Representative Weisz moved a DO PASS on SB 2194.
Representative Westlind seconded the motion.**

Representative Paur: I put more weight in Mr. Bertsch comments than the people trying to sell more motorcycles. I am going to resist and vote no.

Representative Westlind: This does not say they have to buy a 500 CC motorcycle. It just lets them buy up to the 500 CCs. I assume parents would have some responsibility and know the limitations of their children before they buy them a motorcycle. I am going to vote yes.

Representative Paur: I meant that Bertsch's amendment would allow bikes to be purchased but it didn't significantly raise the CCs.

Representative Owens: I looked up the 250s, and most manufacturers have abandoned the 250s, but most are going to 300 and above. It is a hard decision. The parents should be making good decisions for their kids, but what I see in Education, the parents don't seem to be around. I think I will go with ABATE on the 310 and resist the motion.

Chairman Ruby: The bikes that were 250s are now 300s and are probably safer because of their design. I will support the motion.

Representative Westlind: It still comes down to the responsibility of the parents to size the bike to the kid.

**A roll call vote was taken: Aye 10 Nay 3 Absent 1
The motion passed.
Representative Westlind will carry SB 2194.**

Date: 3-8-19
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2194**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Weisz Seconded By Westlind

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	✓		REP LAURIEBETH HAGER	✓	
VICE CHAIR BECKER	✓		REP KARLA ROSE HANSON	✓	
REP JIM GRUENEICH	✓		REP MARVIN NELSON		✓
REP TERRY JONES	✓				
REP TOM KADING	✓				
REP EMILY O'BRIEN	A				
REP MARK OWENS		✓			
REP BOB PAULSON	✓				
REP GARY PAUR		✓			
REP ROBIN WEISZ	✓				
REP GREG WESTLIND	✓				

Total (Yes) 10 No 3

Absent 1

Floor Assignment Westlind

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

REPORT OF STANDING COMMITTEE

SB 2194: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2194 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2194

Testimony – Senate Bill 2194
Senate Transportation Committee
January 18, 2019

Testimony presented by Annette Behm-Caldwell
Dealer Principal – Open Road Honda, Mandan

I thank Senator's Mike Dwyer and Dwight Cook, Representatives Pat Heinert and Todd Porter for introducing this bill.

I testify today in support of SB 2194.

- CC stands for "cubic centimeters." What they measure is the volume of the cylinders in a motorcycle's engine. This is also called engine displacement. Generally speaking, the CCs affect the power and smoothness of your ride, but are not necessarily a measurement of power. Understanding Motorcycle CCs | DMV.ORG
<https://www.dmv.org/how-to-guides/motorcycle-ccs.php>
- Many motorcycle manufacturers, including Honda, no longer offer 250 cc street motorcycle for new riders. (Attachment A – Motorcycle Models). New riders are almost forced to ride older bikes that may be less reliable or too small without enough leg/knee room for the rider.
- The current law that restricts riders under 16 to a 250 cc motorcycle was passed in 1985. Motorcycle technology has changed dramatically 34 years.
- New motorcycles are fuel injected, lighter with lower center of gravity which provides great stability for the rider. Many new motorcycles have anti-lock brakes.
- According to AAA, North Dakota is the only 1 of 4 states with motorcycle cc restrictions for riders under 16 years.
<https://drivinglaws.aaa.com/tag/motorcycle-licenses>
- Thanks to ABATE of North Dakota, new riders are better trained and education on safe riding practices. These riders can safely ride larger cc motorcycles.

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

SB 2194
Annette Behm-Caldwell Testimony

Attachment A
Motorcycles Manufacturer for "New Rider" market

Honda: All bikes available with anti-lock brakes

CMX300 Rebel

CB300F

CRB300R

CMX500

CB500F

CBR500R

CB500X

Harley Davidson

XG500

BMW

G310RSR

Kawasaki

EX400 Ninja

KLE300 Versys

KTM

390 Duke

RC390



RE: SB 2194

To ND State Representatives:

I am writing to you in support of SB 2194. All motorcycles that are now manufactured for our beginner riders have changed significantly. The current century code needs to be updated to properly reflect the current timeframe and manufacturer's production. Motorcycles specifically designed for this beginner rider's safety, proper fit, and riding ability have changed to be the larger cc size. I support the change to be a 510cc limit to fully encompass all bikes for all riders in this category. Motorcycles in this category are now safer than ever, due to technology advances in this category.

I support the proposed code change to "Any person under sixteen years of age who holds a permit or license may not operate a motorcycle powered with an **engine in excess Five Hundred Ten cubic centimeters displacement**"

Please support this change and pass SB2194.

A handwritten signature in black ink, appearing to read "Josh Vallely".

Josh Vallely

Owner
Vallely Sport & Marine
Bismarck – Minot, ND

SB 2194 #2
1/18/19 pg 2



1520 Hwy 2 Bypass E
Minot, ND 58701
Office: 701-852-7873
Fax: 701-858-1758
purehondaminot.com

David Rust and Members of the Senate Transportation Committee,

Pure Powersports of Minot would be in support of the new bill to revise the current code of "Any person under sixteen years of age who holds a permit or license may not operate a motorcycle powered with an **engine in excess of two hundred fifty cubic centimeters displacement**". With today's highway speeds and the performance advancements of automobiles, the 250cc class of motorcycle falls a little short. The lack of power, weight, and overall size of the motorcycle, can put a rider of any skill level at a disadvantaged position. The motorcycle industry has updated this class with 300cc and 500cc entry level products. Honda no longer makes a 250cc cruiser or sport motorcycle.

As things in the automotive world changes, we need to adapt in the motorcycle world as well. The new 300cc-500cc class does not produce an extreme or an uncontrollable amount of power to raise safety concerns. They are simply a better entry level motorcycle to fit today's demands. We believe raising the cubic centimeters to 500 is a necessary change.

Thank you for addressing this matter.

Darin Benno
Sales Manager

January 18, 2019

Mr. David S. Rust, Chair
Members of the Senate Transportation Committee

Dear Members:

I believe the current law of 250cc and under needs to be changed and support SB 2194.

The manufactures used to produce smaller street legal motorcycles to keep the weight and costs down. With today's technology manufactures can now produce much larger engines (510cc) for under the weight of years past 250cc for the same cost as what it cost them to build a smaller one. They are actually much safer with antilock brakes and fuel injection for smoother throttle control.

I sell three different lines of motorcycles; Kawasaki, KTM and Husqvarna. Kawasaki's most popular motorcycle for riders age 14 to 16 was a 250cc Ninja witch has turned into a 300cc in 2013 and then a 400cc in 2018. KTM's smallest street legal bike is a 390cc and Husqvarna's is a 400cc. Most manufactures are all going this direction. The manufactures are fully aware that these smaller cc motorcycles (510cc) will be ridden by smaller inexperienced riders and put a lot of thought into keeping them as safe as possible.

I apologize for not being able to make it to the hearing but do think it is a very import law change if anyone has any questions I will be available by phone 701-226-1596.

Sincerely,

Jeremy Huizenga
Full Throttle Motorsports - Bismarck

FULL THROTTLE
Motor Sports

SB 2194
1/18/19

#2
pg 4

Gun & Reel Sports, Inc.

115 1st St. West
Jamestown, ND 58401
701-252-2850

1-17-19

To: Chairman David S. Rust and
members of the Senate Transportation
Committee

Lund E outts

Ski-Doo

Sea-Doo

Mercury

Evinrude

Johnson

Honda Outboard

Honda Motorcycle

I am writing today in support
of SB 2194. I feel that riders
under 16 years of age should be
able to operate a motorcycle with
an engine in excess of 250 cc.
The new proposed code would
be great.

Thanks,
Yours truly
Wamy Oochter
owner Gun & Reel Sports



SB 2194
1/18/19

#3
pg1

ROUGH RIDER HARLEY-DAVIDSON
3708 Memorial Hwy
Mandan ND 58554
Phone 1-701-663-2220
Fax 1-701-667-2877
www.roughriderhd.com

Testimony-Senate Bill 2194

Testimony presented by Bill Stork

Owner/Operator-Roughrider Harley-Davidson

Members of the Senate Transportation Committee

I support SB 2194

The current law that is in place has been outpaced by technology.

Safety advantages on the modern motorcycle are as follows.

- *Fuel Injection, which allows for smoother throttle application.
- *Anti-Lock Brake Systems, help riders maintain control under heavy braking events.
- *Chassis engineered for better handling.

There currently are only a few manufacturers that produce street legal machines that qualify for the law that is in place.

From a business stand point we have fewer products to offer our entry level customers than our neighboring states. It is imperative for our industry to create new ridership. If SB 2194 is passed it will give us a few more tools in our toolbox.

ABATE of NORTH DAKOTA



**AMERICAN BIKERS
AIMING TOWARD EDUCATION**
Let's Ride Together

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1/18/19 pg1

AMERICAN BIKERS AIMING TOWARD EDUCATION

1001 South 22nd St Bismarck, ND 58504

701-223-5609

1-800-726-4094

www.abatend.com

office@abatend.com

Bill 2194

Chairman Rust

Committee Members

My name is,

Lonnie Bertsch

Executive Director

ABATE of ND

I am representing the 2,400 members of ABATE of ND, the proud provider of the North Dakota Motorcycle Safety Program. We provide motorcycle safety classes to approximately 2,000 ND Citizens every year. We are the largest motorcycle rights and safety organization in North Dakota.

I am here to testify for SB 2194.

Registration into our classes for 14-16-year-old people is on the increase over the past three years.

2016 – 38 students = 2% of the people registered into the BRC

2017 – 81 students = 5% of the people registered into the BRC

2018 – 96 students = 6% of the people registered into the BRC

Our fleet of 100 training motorcycles in ND is getting old. Most of the motorcycles we are using ended production in 2009. We have motorcycles that date back to 2000. Most of our motorcycles have 3000 to 4000 miles, of very hard life at 12-17 mph. Appropriate new 125cc and 250cc motorcycles are difficult to find, if not impossible.

I am in favor of increasing the cc size of motorcycles for 14-15-year-old riders.

Thank You

Lonnie Bertsch

Executive Director

ABATE of ND

701-223-5609

Good morning Chairman Rust and members of the Senate Transportation Committee. My name is Mandy Slag and I am the Injury Prevention Program Director for the North Dakota Department of Health (NDDoH) and a registered nurse. I am not a motorcycle expert. My expertise is in injury prevention. I am here to provide testimony in opposition to Senate Bill 2194.

This bill proposes to allow an adolescent less than 16 years of age to operate a motorcycle with an increase in the engine size from 250 cubic centimeters (cc) to 510 cc. An increased motor size allows an operator to travel at an increased speed. Other motorcycle characteristics besides engine size influence power and speed capability (National Highway Traffic Safety Administration).

Motorcycle Rider (Operator) Fatalities, by Engine Size (cc), 2006 & 2015

Year	Engine Displacement (cc)			
	Up to 500		501-1,000	
	Number	Percent	Number	Percent
2006	226	5%	1,992	44%
2015	314	7%	1,821	39%

Source: Fatality Analysis Reporting System 2006 Final File, 2015 Annual Report File

The table above presents motorcycle rider fatalities by the engine sizes of the motorcycles. Nationally, there were 314 fatalities regarding motorcycle engines up to 500 cc. This chart demonstrates that the number of fatalities increases with the increase in engine size. Although a causal relationship between engine size and fatality cannot be proven, we know that increased speed does increase risk for crashes.

Along with increased speed, these larger motorcycles could also be more difficult to control, especially for that age group. This could increase the risk of a crash, leading to death or injury. Although there were no North Dakota deaths due to motorcycles to 14 or 15-year-olds in 2016-2017 (NDDoH Vital Records), there were seven documented injuries due to motorcycles during that same time (ND Department of Transportation).

In a teenager's brain, the connection between the emotional part of the brain and the decision-making center are still developing and not necessarily at the same rate. Very few states even allow motorcycle operators to be under the age of 16 years old. Of the states that do allow this age group to drive motorcycles, restrictions apply. For example:

- Tennessee allows an operator to be 15 years old with restrictions on the distance to be traveled from home (7 miles), the time of day (4 a.m. to 8 p.m.), and the engine size (125 cc).
- South Dakota allows operators 14 to 18 years old to have a permit that allows motorcycle travel between 6 a.m. and 8 p.m.

I urge a do not pass for SB 2194 to reduce the risk of injury and death of North Dakotans. This concludes my testimony. I am happy to answer any questions you may have.

SB 2194 #6
16/18/19 pg 1

Z: any 2- or 3-wheeled motorcycle with an engine displacement below 50 cc (minimum 13 years of age).

North Dakota

A person holding an instruction permit for the operation of a motorcycle may not carry passengers and may operate the motorcycle only during the hours when use of headlights is not required.

An applicant 16 years of age and older who does not hold a current valid driver's license, may be issued a Class M learner's permit after successful completion of a written examination. The Class M license will be issued after successful completion of a driver's examination or completion of an approved motorcycle safety course.

Applicants 14 or 15 years of age may be issued a motorcycle learner's permit if enrolled in or have completed an approved motorcycle safety course. The learner's permit must be held for at least 2 months prior to applying for a Class M driver's license, and the permit holder must have completed the safety course and hold a valid motorcycle learner's permit at the time of application. A driver under 16 years of age is restricted to driving a motorcycle with an engine of 250 cubic centimeters, or less, displacement.

New Jersey

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of such vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters, or successfully completes an approved motorcycle safety education course, shall be issued a motorcycle license or endorsement without any restriction as to engine displacement.

The director of the MVC may waive the road test portion of the examinations required for a motorcycle license or endorsement if the applicant has successfully completed a motorcycle safety education course.

All applicants for a motorcycle license who have never previously held such license shall be on probation for a period of 2 years following the issuance of their initial license.

A motorized bicycle license may be issued to any person 15 years of age or older upon proof of identity, date of birth, and passage of a driving examination.

SB 2194 #1
1/24/19 pg1

-----Original Message-----

From: David Rust <dsrust@nccray.com>
Sent: Thursday, January 24, 2019 6:05 AM
To: Michlitsch, Lindi J. <ljmichlitsch@nd.gov>
Subject: Motor Cycle Driver ages

***** CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Lindi:

With regards to motorcycles

1. Can you tell me how many 14-year olds have permits? How many have licenses?
8 permits, 7 license
2. Can you tell me how many 15-year olds have permits? How many have licenses?
14 permits, 38 license

We will more than likely SB 2194 today—probably this afternoon.

Thanks.

David S. Rust
Senator, District 2
PO Box 1198
Tioga, ND 58852
701-664-3508 (H)
701-216-0270 (C)

From: Thurn, Carol M. cthurn@nd.gov
 Subject: SB 2194 - Motorcycle license - Senator response
 Date: Jan 23, 2019 at 1:42:26 PM
 To: Rust, David S. drust@nd.gov
 Cc: Mongeon, Karin L. kamongeon@nd.gov

Senator Rust:

- By changing the minimum cc, how does that affect the safety aspect?
 Please contact Lonnie Bertsch, ABATE of ND, he is the Safety Education Director and manages the Motorcycle Education Program for ND. His contact info is: lonnie@abatend.com, or 701-223-5609
- Number of injuries/deaths on motorcycles when the driver is less than 16 vs over 16

The data you requested for crashes involving motorcycle drivers under the age of 16 years is below. The data in the table shows counts of drivers by age and injury severity. For 2016, there were 4 crashes involving motorcycle drivers under the age of 16 years. In 2017, there were 6 crashes involving motorcycle drivers under the age of 16 years (one crash involved 2 drivers <16 years old). We do not have data on the size of the motorcycle(s) involved in the crash.

Motorcycle Drivers Under the Age of 16 Years Involved in a Motor Vehicle Crash by Injury Severity, CY2016-2017					
Age of Driver	2016		2017		Total
	Incapacitating Injury	Non-Incapacitating Injury	Incapacitating Injury	Non-Incapacitating Injury	
8 years old	0	0	0	1	1
9 years old	0	0	0	0	0
10 years old	0	0	0	1	1
11 years old	0	0	0	0	0
12 years old	0	0	0	2	2
13 years old	0	0	0	0	0
14 years old	0	2	0	2	4
15 years old	1	1	0	1	3
Total	1	3	0	7	11

Carol Thurn
 Traffic Safety Co-Manager
 North Dakota Department of Transportation
 Safety Division
 608 E Boulevard Ave
 Bismarck, ND 58505-0700
 701-328-4354 (w)
 701-328-0310 (fax)
cthurn@nd.gov



From: Slag, Mandy K. mslag@nd.gov
Subject: Information requested for SB 2194
Date: Jan 22, 2019 at 3:48:01 PM
To: Rust, David S. drust@nd.gov, Clemens, David
dclemens@nd.gov, Bakke, JoNell jbakke@nd.gov,
Dwyer, Mike A. madwyer@nd.gov, Fors, Robert
rfors@nd.gov, Patten, Dale dpatten@nd.gov

Dear Chairman Rust and Senate Transportation Committee members,

I am providing the following information at your request, following the hearing last Friday, January 18.

State licensing guidelines vary greatly from state to state. There are 16 states including North Dakota that allow people under age 16 to operate a motorcycle. Of the 16 states, 8 allow only a permit or have operating restrictions. North Dakota restricts 14 and 15-year old's to 250 cc displacement.

During the hearing, it was mentioned that only four states, including North Dakota, restrict engine size. I found the following information regarding the other 3 states that have motor size restrictions:

- Arkansas – minimum age to be licensed (without restrictions) for driving a motorcycle is 16. Ages 14 and older are restricted to motor-driven cycles (engine between 50 cc and 250 cc). To clarify what was mentioned at the hearing, ages 10 and older may use a motorized bicycle, but only on private property and within a municipality with population of 10,000 or more.
- Tennessee – 15-year old's are allowed to drive any two or three-wheel vehicle of no more than 125 cc. Restrictions also include limiting to between the hours of 4 a.m. to 8 p.m. and within a seven mile radius of home.
- New Jersey – Although motor size restrictions exist, only those with a valid automobile driver's license may operate a motorcycle. To be eligible for an automobile driver's license, one must be 17 years old. (Thus, New Jersey does not allow 14-15-year old's to operate motorcycles, regardless of size.)

Regarding deaths and injuries in the above states:

- Tennessee:
 - In 2016, motorcycle injuries (14-15-age group): 54 emergency department visits due to motorcycle injuries
 - 11 hospitalizations due to motorcycle injuries
 - During 2016 and 2017 there was 1 motorcycle death for youth 14-15 years old.

(2016 was the most recent data TN had for emergency department visits and hospitalizations.)

- New Jersey:
 - In 2016, there were no deaths of motorcyclists 14-15 years old.
 - In 2017-2018, there was one death.
 - In 2015, there were 5 non-fatal inpatient hospitalizations for motorcyclists aged 10-17 in New Jersey.
- Arkansas – I have requested the information but am waiting for a response and will send that information when it becomes available.

Sources of licensing information:

<https://drivinglaws.aaa.com/tag/motorcycle-licenses/>
<https://www.tn.gov/safety/driver-services/classm.html> <https://www.state.nj.us/mvc/pdf/license/mcm996.pdf>

Let me know if you have any additional questions.

Sincerely,

Mandy Slag, RN, BSN
Injury Prevention Program Director

[701.328.4537](tel:701.328.4537) • mslag@nd.gov • health.nd.gov • [Provide Feedback](#)



SB 2194

Annette Behm-Caldwell – Testimony

Additional Information:

States in addition to ND, that have motorcycle cc restrictions for motorcyclist under 16 years of age.

Source: drivinglaws.AAA.com/tag/motorcycle-licenses

New Mexico:

First-time applicants for a motorcycle license or an endorsement on their New Mexico driver's license may be required to complete a motorcycle driver education program as prescribed by the rules and regulations of the bureau.

A restricted motorcycle license may be issued to any person 13 years of age or older who passes an examination prescribed by the MVD.

A Class M license allows the holder to operate a 2- or 3-wheeled motorcycle. It carries 1 of 3 endorsements:

- W: any 2- or 3-wheeled motorcycle with an engine displacement of more than 100 cc (minimum 15 years of age with the successful completion of an approved driver education course).
- Y: any 2- or 3-wheeled motorcycle with an engine displacement between 50 and 100 cc (minimum of 13 years of age).
- Z: any 2- or 3-wheeled motorcycle with an engine displacement below 50 cc (minimum 13 years of age).

Arkansas

Licenses are required for motorcycles:

- Minimum age is 16.
- Certificate is issued by state police.
- Title and registration are required.
- Written and road tests are required.

Ages 14 and older may use motor-driven cycle (engine between 50 cc and 250 cc) or motor-driven bicycle (engine up to 50 cc). Ages 10 and older may use a motorized bicycle but only on private property and within a municipality with a population of ten thousand (10,000) or more.

Tennessee

A person who is at least 16 years of age and a legal resident of Tennessee may apply for a motorcycle license.

Minors who are 15 years of age and legal residents of Tennessee may apply for a motorcycle learner's permit. Permit holders may only operate during daylight hours, are limited to a 20 mile radius of the permit holder's home, may not operate a motorcycle on the Interstate system, may not operate a motorcycle with an engine size greater than 650cc, and may not carry any passengers.

Applicants who have successfully completed a motorcycle rider training course may be exempted from taking the licensing skills test and/or the knowledge test.

Testimony – Senate Bill 2194
House Transportation Committee
March 8, 2019

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3-8-19
#1
p.1

Testimony presented by Annette Behm-Caldwell
Dealer Principal – Open Road Honda, Mandan

I thank Senator's Mike Dwyer and Dwight Cook, Representatives Pat Heinert and Todd Porter for introducing this bill.

I testify today in support of SB 2194.

- CC stands for "cubic centimeters." What they measure is the volume of the cylinders in a motorcycle's engine. This is also called engine displacement. Generally speaking, the CCs affect the power and smoothness of your ride, but are not necessarily a measurement of power. Understanding Motorcycle CCs | DMV.ORG
<https://www.dmv.org/how-to-guides/motorcycle-ccs.php>
- Many motorcycle manufacturers, including Honda, no longer offer 250 cc street motorcycle for new riders. (Attachment A – Motorcycle Models). New riders are almost forced to ride older bikes that may be less reliable or too small without enough leg/knee room for the rider.
- The current law that restricts riders under 16 to a 250 cc motorcycle was passed in 1985. Motorcycle technology has changed dramatically 34 years.
- New motorcycles are fuel injected, lighter with lower center of gravity which provides great stability for the rider. Many new motorcycles have anti-lock brakes.
- According to AAA, North Dakota is the only 1 of 4 states with motorcycle cc restrictions for riders under 16 years. (Attachment B)
<https://drivinglaws.aaa.com/tag/motorcycle-licenses>
- Rider Safety should always be a concern. According to the Insurance Institute for Highway Safety, less than 1% of 2017 US motorcycle fatalities were riders under 16.

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Motorcyclist deaths by age and gender, 2017

Age	Male		Female		Total*	
	Number	%	Number	%	Number	%
<16	11	79	3	21	14	100
16-19	170	92	15	8	185	100
20-24	572	95	33	5	605	100
25-29	613	93	45	7	658	100
30-34	474	92	39	8	513	100
35-39	403	92	34	8	437	100
40-44	378	89	48	11	426	100
45-49	412	89	51	11	463	100
50-54	427	86	69	14	496	100
55-59	494	92	42	8	537	100
60-69	547	90	58	10	605	100
≥70	222	97	8	3	230	100
Total*	4,724	91	446	9	5,172	100

*Total includes other and/or unknowns

Source: www.iihs.org/iihs/topics/t/motorcycles/fatalityfacts/motorcycles

- Thanks to ABATE of North Dakota, new riders are better trained and education on safe riding practices. Riders under 16 are required to pass the ABATE Motorcycle Safety Training course. These trained riders can safely ride larger cc motorcycles.

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

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SB 2194 (Attachment A)
Annette Behm-Caldwell Testimony

Attachment A
Motorcycles Manufacturer for "New Rider" market

Honda: All bikes available with anti-lock brakes

CMX300 Rebel

CB300F

CRB300R

CMX500

CB500F

CBR500R

CB500X

Harley Davidson

XG500

BMW

G310RSR

Kawasaki

EX400 Ninja

KLE300 Versys

KTM

390 Duke

RC390

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#1 p.4

SB 2194 (Attachment B)
Annette Behm-Caldwell – Testimony
Additional Information:

States in addition to ND, that have motorcycle cc restrictions for motorcyclist under 16 years of age.

Source: drivinglaws.AAA.com/tag/motorcycle-licenses

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ROUGH RIDER HARLEY-DAVIDSON

3708 Memorial Hwy
Mandan ND 58554
1-701-663-2220

SB 2194
3-8-19
#2

Testimony-Senate Bill 2194

Testimony presented by Bill Stork

Owner/Operator-Roughrider Harley-Davidson

Chairman Dan Ruby

Vice Chair Rick Becker

Members of the House Transportation Committee

I support SB 2194

The current law that is in place has been outpaced by technology.

Safety advantages on the modern motorcycle are as follows.

- *Fuel Injection, which allows for smoother throttle application.
- *Anti-Lock Brake Systems, help riders maintain control under heavy braking events.
- *Chassis engineered for better handling.

There currently are only a few manufacturers that produce street legal machines that qualify for the law that is in place.

From a business stand point we have fewer products to offer our entry level customers than our neighboring states. It is imperative for our industry to create new ridership. If SB 2194 is passed it will give us a few more tools in our toolbox.

March 8, 2019

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#3

Mr. Dan Ruby, Chair
Mr. Rick Becker, Vice Chair
Members of the House Transportation Committee

Dear Members:

I believe the current law of 250cc and under needs to be changed and support SB 2194.

The manufactures used to produce smaller street legal motorcycles to keep the weight and costs down. With today's technology manufactures can now produce much larger engines (510cc) for under the weight of years past 250cc for the same cost as what it cost them to build a smaller one. They are actually much safer with antilock brakes and fuel injection for smoother throttle control.

I sell three different lines of motorcycles; Kawasaki, KTM and Husqvarna. Kawasaki's most popular motorcycle for riders age 14 to 16 was a 250cc Ninja witch has turned into a 300cc in 2013 and then a 400cc in 2018. KTM's smallest street legal bike is a 390cc and Husqvarna's is a 400cc. Most manufactures are all going this direction. The manufactures are fully aware that these smaller cc motorcycles (510cc) will be ridden by smaller inexperienced riders and put a lot of thought into keeping them as safe as possible.

I apologize for not being able to make it to the hearing but do think it is a very import law change if anyone has any questions I will be available by phone 701-226-1596.

Sincerely,

Jeremy Huizenga
Full Throttle Motorsports - Bismarck

FULL THROTTLE
Motor Sports



SB 2194 #4
3-8-19 P.1

AMERICAN BIKERS AIMING TOWARD EDUCATION
1001 South 22nd St Bismarck, ND 58504
701-223-5609
1-800-726-4094
www.abatend.com
office@abatend.com

Bill 2194

Chairman Ruby;

Committee Members;

My name is,
Lonnie Bertsch
Executive Director
ABATE of North Dakota

I am representing the 2,400 members of ABATE of ND, the proud provider of the North Dakota Motorcycle Safety Program. We provide motorcycle safety classes to approximately 2,000 ND Citizens every year. We are the largest motorcycle rights and safety organization in North Dakota.

I am here to testify for SB 21⁹⁴~~84~~.

Registration into our classes for 14-16-year-old people s on the increase over the past three years.

2016 – 38 students = 2% of the people registered into the Beginning Rider Course (BRC)
2017 – 81 students = 5% of the people registered into the BRC.
2018 – 96 students = 6% of the people registered into the BRC.

Our fleet of 100 training motorcycles in ND s getting old. Most of the motorcycles we are using ended production in 2009. We have motorcycles that date back to 2000. Most of these motorcycles have 3000 to 4000 miles, of very hard life at 12-17 mph. Appropriate new 125cc and 250cc motorcycles are difficult to find, if not impossible.

I am in favor of increasing the cc size of motorcycles for 14-15-year-old riders. I do feel the 510cc size is a little too large for people of that age. There are several models available at 300cc's. I would like to see Bill 2194 amended to 310cc's and passed.

Thank you
Lonnie Bertsch
Executive Director
ABATE of ND
701-223-5609
lonnie@abatend.com

ABATE of NORTH DAKOTA



**AMERICAN BIKERS
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Let's Ride Together

SB 2194 # 4
3-8-19 p. 2
AMERICAN BIKERS AIMING TOWARD EDUCATION

1001 South 22nd St Bismarck, ND 58504

701-223-5609

1-800-726-4094

www.abatend.com

office@abatend.com

Motorcycle Drivers Under the Age of 16 Years Involved in a Motor Vehicle Crash by Injury Severity, CY2016-2017

Age of Driver	2016		2017		Total
	Incapacitating Injury	Non-Incapacitating Injury	Incapacitating Injury	Non-Incapacitating Injury	
8 years old	0	0	0	1	1
9 years old	0	0	0	0	0
10 years old	0	0	0	1	1
11 years old	0	0	0	0	0
12 years old	0	0	0	2	2
13 years old	0	0	0	0	0
14 years old	0	2	0	2	4
15 years old	1	1	0	1	3
Total	1	3	0	7	11

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#5
P.1

Good morning Chairman Ruby and members of the House Transportation Committee. My name is Deanna Askew and I am the Director of the Division of Injury and Violence Prevention at the North Dakota Department of Health. I am not a motorcycle expert. Our division works to prevent and reduce injuries to North Dakotans. I am here to provide testimony in opposition to Senate Bill 2194.

This bill proposes to allow an adolescent less than 16 years of age to operate a motorcycle with an increased engine size from 250 cubic centimeters (cc) to 510 cc. An increased motor size allows an operator to reach a higher speed more quickly and travel at an increased speed.

Along with increased speeds, these larger motorcycles could also be more difficult to control, especially for the age group referenced in this bill. This could increase the risk of a crash, leading to death or injury. Although there were no North Dakota deaths due to motorcycles to 14 or 15-year-olds in 2016-2017 (NDDoH Vital Records), there were seven documented injuries due to motorcycles during that same time (ND Department of Transportation).

Adolescents differ from adults in the way they behave, solve problems, and make decisions. The region of the brain that is responsible for immediate reactions including fear and aggressive behavior develops early, while the area of the brain that controls reasoning and helps us think before we act, develops later. This part of the brain is still changing and maturing well into adulthood.

Based on the stage of their brain development, adolescents are more likely to act on impulse, get into accidents of all kinds, and engage in dangerous or risky behavior. These brain differences don't mean that young people can't make good decisions or tell the difference between right and wrong. However, an awareness of these differences can help parents, teachers, advocates, and policy makers understand, anticipate, and manage the behavior of adolescents. (American Academy of Child & Adolescent Psychiatry)

There are only 17 states, including North Dakota, that allow people under age 16 to operate a motorcycle. Of these 17 states, 15 have operating restrictions.

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#5 p. 2

Four states, including North Dakota, mention engine size in their restrictions. New Jersey requires the motorcycle operator be 17 years old; therefore, not allowing 14 to 15-year-olds to operate motorcycles regardless of engine size.

The following are additional examples of restrictions from other states:

- Tennessee allows an operator to be 15 years old with restrictions on the distance to be traveled from home (7 miles), the time of day (4 a.m. to 8 p.m.), and the engine size (125 cc).
- Arkansas restricts operators aged 14 to 15 years old to an engine size between 50 cc and 250 cc.
- In Alaska, 14 and 15-year-olds receive a permit but must be under the supervision of a licensed motorcycle operator until at least age 19. The engine size for 14 to 15-year-olds is restricted to 50 cc.
- South Dakota allows operators 14 to 18 years old to have a permit that allows motorcycle travel between 6 a.m. and 8 p.m.

The North Dakota Department of Health urges a do not pass for SB 2194 to reduce the risk of injury and death of North Dakotans. This concludes my testimony. I am happy to answer any questions you may have.