2021 HOUSE TRANSPORTATION

HB 1194

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1194
1/21/2021

A bill relating to graduated operator licensing, minor operator requirements, and entries against driving record; relating to driver's licenses issued to operators, restricted licenses, and class D instruction permits; and to provide a penalty.

9:37 Chairman Ruby opened the hearing.

Attendance:

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Create a consistency in the licensing process for all new minor drivers.
- Address the risk passengers create for newly licensed drivers by including a limit to the number of passengers during the intermediate license phase.
- Lessen the penalty for violation restrictions of an intermediated license to put it more in line with the penalty for adult drivers.

Representative Adams introduced the bill. Testimony #2143.

Gene LaDoucer, AAA The Auto Club Group, supports the bill. Testimony # 2123.

Nancy Cena, Pennsylvania, via Zoom. Supportive testimony # 1087 and #1088.

Karen Mongeon, Safety Division Director for ND Department of Transportation, supports the bill. Testimony # 2001.

No opposition.

10:06 Hearing closed.

Discussion.

Representative Westlind moved a DO NOT PASS.
Representative Christensen seconded the motion.

12:28 Roll Call Vote

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	Y
Representative Cole Christensen	Y
Representative LaurieBeth Hager	N
Representative Jared C. Hagert	N
Representative Karla Rose Hanson	N
Representative Terry B. Jones	Y
Representative Emily O'Brien	N
Representative Mark S. Owens	N
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion carried. 9-5-0
Representative Christensen will carry the bill.

12:29 **Chairman Ruby** adjourned.

Jeanette Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1194: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1194 was placed on the Eleventh order on the calendar.

State Ranking for Teen Driver Safety 2020

State	2020	2019	2018	2017
Montana	51	50	51	51
North Dakota	45	43	50	50
Louisiana	48	51	43	49
South Dakota	25	41	42	48
Mississippi	47	49	46	47
Missouri	49	40	38	46
Wyoming	44	47	48	45
Alabama	43	45	47	44
Oklahoma	41	28	41	43
Arkansas	50	48	32	42

Ranking Criteria:

- Number of teen driver fatalities per 10,000 licensed teen drivers
- Breadth of Graduated Driving License (GDL) laws
- Average annual insurance costs for teen drivers
- Teen drinking and driving rates
- Teen emailing/texting and driving rates
- Seat belt use for 18-year-old to 44-year-olds

States with the lowest seat belt usage rates (all less than 75%):

- South Dakota
- New Hampshire
- North Dakota
- Wyoming
- Nebraska
- Montana

Source: CarInsurance.com
Teen driving safety 2020: Least and most dangerous States (carinsurance.com)

TEEN DRIVING LAWS RATING CHART

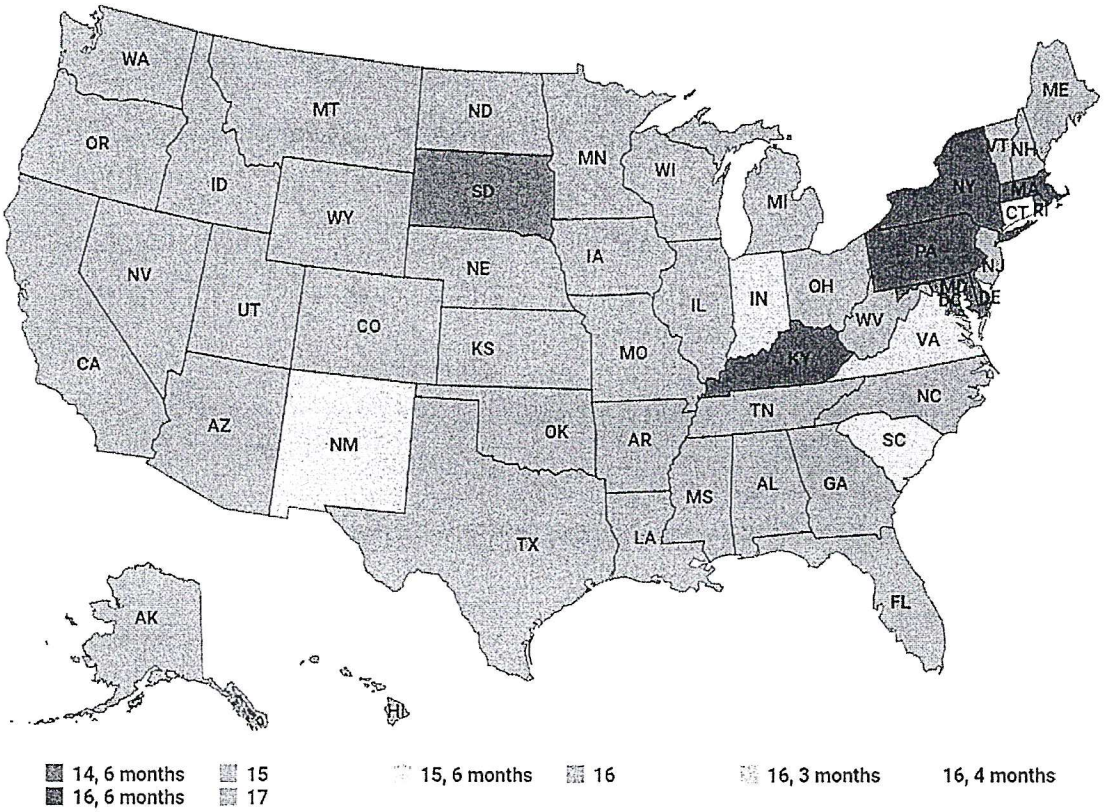
Number of new teen driving laws since January 2020: One 6-Month Holding Period Enacted (SD); One Supervised Driving Requirement Enacted (SD); and, One Passenger Restriction Provision Enacted (SD).

	Minimum Age 16 for Learner's Permit	6-Month Holding Period Provision	50 Hours of Supervised Driving Provision	Nighttime Driving Restriction Provision	Passenger Restriction Provision	Age 18 Unrestricted License	**Rating**		Minimum Age 16 for Learner's Permit	6-Month Holding Period Provision	50 Hours of Supervised Driving Provision	Nighttime Driving Restriction Provision	Passenger Restriction Provision	Age 18 Unrestricted License	**Rating**
AL		●			●			MT		●	●				
AK		●			●			NE		●					◐
AZ		●					◐	NV		●					◐
AR		●			●	●		NH					●		◐
CA		●	●					NJ	●	●			●	●	
CO		●	●					NM		●	●		●		
CT	●				●			NY	●	●	●	●	●		◐
DE	●	●	●	●	●		◐	NC		●	●	●	●		
DC	●	●			●			ND		●		●			
FL		●	●					OH		●	●		●		
GA		●					◐	OK		●	●	●	●		
HI		●	●					OR		●					◐
ID		●	●	●				PA	●	●	●				
IL		●	●					RI	●	●	●		●		
IN		●	◐		●			SC		●		●			
IA		●					◐	SD		●	●	●	●		
KS		●	●	●				TN		●	●		●		
KY	●	●	●					TX		●					◐
LA		●	●					UT		●					◐
ME		●	●		●			VT		●					◐
MD		●	●					VA		●					◐
MA	●	●						WA		●	●				
MI		●	●	●	●			WV		●		●			
MN		●					◐	WI		●			●		
MS		●					◐	WY			●				●
MO		●					◐	Total	8+ DC	47+ DC	26	11	19+ DC	2	

● = Optimal law
◐ = Good (At least 5 optimal provisions)
= Caution (Between 2 and 4 optimal provisions)
◐ = Danger (Less than 2 optimal provisions)
(No credit is given for laws that are subject to secondary enforcement for any GDL provision that is exempted based on driver education)

Minimum age for unsupervised driving

Hover over map for more detail.



Source: Insurance Institute for Highway Safety

Teenagers (iihs.org)

Licensing Requirements of Neighboring States

South Dakota

- Driver must be at least 14 years of age to obtain an **instruction permit**
- Driver must be accompanied by a guardian to a South Dakota licensing location with a required list of documents
- Driver must take a knowledge test (*or have successfully completed a state-approved driver education course*) to earn a permit
-Driver must hold this permit for a minimum of 180 days or 90 days if an approved driver education class has been successfully completed.
- With this instruction permit, Driver will need to drive under the supervision of a licensed adult at all times.

- After this time period, Driver can apply for a **Restricted Minor's Permit** if they have not had any traffic convictions in the last six months
- Driver must pass a drive test at a driver exam station location or have successfully completed a state-approved driver education course. All drive tests must be scheduled. ***With a restricted license, Driver will be able to drive unaccompanied from 6:00 a.m.-10:00 p.m. Driver may drive with a legal guardian from 10:00 p.m. to 6:00 a.m.***
- Driver may not have any passengers, other than immediate family or household members, for the first 6 months driving on a restricted minor's permit. After 6 months, Driver may carry 1 passenger who is not part of your immediate family or household.

- To get a **full operator's license**, Driver must:
    - Be at least 16 years old
    - Meet all conditions of the instruction permit
    - Have driven on a restricted minor's permit for at least 6 months
    - Have driven conviction-free for six months
    - Have your parent or guardian's written approval

Source: *South Dakota Department of Public Safety*
South Dakota Teen Drivers | SD DPS

2020 article regarding South Dakota's new restrictions: Teenage drivers in South Dakota will have to follow some new restrictions starting in July. (keloland.com)

Minnesota

Phase I - Instruction Permit
- Must be at least 15 years of age.
- Must have completed the appropriate amount of classroom instruction and be enrolled in behind-the-wheel instruction.
- Must pass vision and knowledge (written) tests, complete application and pay the required fee.
- Parent or legal guardian's signature and certification required on application.

Conditions
- Permit holder may drive under the supervision of a certified driving instructor, parent or guardian or other licensed driver 21 years of age or older
- Every occupant must wear a properly fastened seat belt or use a properly fastened child restraint system

Testimony in Support of HB 1194
House Transportation Committee – Jan. 21, 2021
Gene LaDoucer, AAA-The Auto Club Group

Good morning, Chairman Ruby and members of the committee. My name is Gene LaDoucer, and I represent AAA-The Auto Club Group and our nearly 70,000 members in North Dakota.

Thanks to changes made to the licensing system during the 2011 legislative session (HB 1256) fewer of our state's children have been injured or killed in traffic crashes. A review of state crash data through 2019 shows the four-year average of fatal and injury crashes involving 15-year-old drivers are down 30 percent. And the ratio of injury crashes involving 14-17 year-olds to the share of licensed drivers is down 19 percent.

While the trend is positive, the fact remains that teen drivers in North Dakota account for five percent of all licensed drivers in North Dakota, but were behind the wheel in nearly 20 percent of all crashes and 12 percent of fatal crashes over the past five years. We believe a couple of key updates to the licensing rules would lead to even fewer crashes, injuries and deaths involving our children.

For a licensing system to be effective, it must first be clearly understood and the requirements consistently applied. It must also be built on a solid foundation of quality education and practical hands-on experience. The current process comes up short for minors over 15 years of age.

As an example, the process is different for a teen who starts at age 14 than one who starts at age 15; however, they can both earn their unrestricted license at age 16. Furthermore, a teen who starts the process at age 16 can be awarded a license only six months later, at age 16 years and six months.

The process for a teen who starts the licensing process at age 14 is generally solid, except for the absence of a passenger limit during the intermediate licensing phase. Currently, they must hold a permit for 12 months; complete driver's education; and pass through a graduated licensing phase, which includes a limit on night driving. At age 16 they are then awarded an unrestricted license.

A teen who begins the process on their 15th birthday, would need to hold a permit for 12 months and complete driver's education, but would not be required to pass through the graduated license phase. Finally, a 16 or 17 year old would only need to hold a permit for six months. There would be no requirement for either driver's education or completion of the intermediate license phase.

The objective of HB 1287 is threefold:

1) Create consistency in the licensing process for all new minor drivers. To do so, it must include completion of driver's education and the intermediate license phase, which promotes experience and responsibility under conditions of less risk.

2) Address the risk passengers create for newly licensed drivers by including a limit on the number of passengers during the intermediate license phase.

3) Lessen the penalty for violating restrictions of an intermediate license to put it more in line with the penalty for adult drivers.

AAA believes an educated driver is a more effective decision-maker. The ever-increasing demands of the highway traffic system—more drivers, more vehicles, more stress—underscore the need for a

better driver education and training system. Novice drivers particularly need rigorous instruction and training to develop safe driving practices, and improvement of perceptual abilities and management of time and space in traffic. This can best be achieved through professional and highly trained instructors, the availability of uniform driver education and training content, individualized instruction and gradual introduction into the driving system.

A limit on the number of passengers during the intermediate license phase is needed to address a significant risk to new drivers. Distractions are a major problem for teen drivers. A recent AAA Foundation for Traffic Safety study found distractions are a contributing factor in 60 percent of teen crashes in the Unites States. Among the distractions identified, teen passengers were the top distraction. Cell phones were the second most cited distraction. Furthermore, a AAA study found crash risk for new drivers increased 44 percent with one passenger younger than 21; doubled with two passengers younger than 21; and quadrupled for 3 passengers younger than 21.

It should be noted that North Dakota is one of only three states without a passenger restriction during the intermediate license phase. The others are Florida and Mississippi. Among our neighboring states, Minnesota and Montana have a limit of one teen passenger for the first six months, while South Dakota doesn't allow any passengers for the first six months. All have exclusions for immediate family members.

Parents also overwhelmingly support a passenger restriction. A 2010 survey of 1,000 North Dakota parents with teens asked "Do you think North Dakota should limit newly licensed teen drivers to no more than one teen passenger?" Eighty-six percent said "yes," including 79% from rural areas.

Finally, this bill would lower the penalty for violating a restriction of the intermediate license. Currently the penalty is the same as for adults – 4 points – despite adults being able to accumulate 12 points before losing their license. It would also reclassify it as a non-criminal moving violation, whereas it is currently a criminal non-moving violation. The recommended 2-point penalty is better suited for teens who lose their license after accumulating six points.

The licensing of young drivers presents a challenge for all of us. Although the vast majority of teens are responsible and caring, they are all inexperience drivers. The fact remains that the roadways are the most dangerous place for them to be, and we owe it to them to properly equip them to meet that challenge.

It is clear we're on the right track with improving the state's licensing system for teen drivers. The track now necessitates consistent application of the rules. Rules that stress quality education and practical hands-on experience. There is a better way. Now it's time to implement it.

Mr. Chairman, and members of the committee, we owe it to our children to provide a licensing environment where they can develop into safe and responsible drivers in a manner that reduces their risk and the risk to others. On behalf of AAA--The Auto Club Group, I urge a "Do Pass" recommendation on HB 1194.

AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.

Teen Licensing: Three-Stage System Stressing Experience, Responsibility

	Recommended Policy	Current North Dakota Policy	Proposed North Dakota Policy
Stages	3-stage process for all novice drivers under age 18	3-stage process for all novice drivers under age 16	3-stage process for all novice drivers under age 18
Permit Stage	• At least 16 years old • 6-month holding period • Drivers education required for all novice drivers • Minimum of 50 hours of supervised practice • Must be accompanied by a licensed driver over age 20	• At least 14 years old • 12-months holding period if under age 16; 6-month holding period if age 16 or older • Drivers education required if under age 16 • Minimum of 50 hours of supervised practice • Must be accompanied by a licensed driver at least age 18	• No change • 12-month holding period if under age 18 • Drivers education required if under age 18 • No change • No change
Restricted License	• 6-month holding period • Night driving restricted between 10 p.m. and 5 a.m. for 6 months (with exceptions) • No more than 1 non-family passenger under age 21 for 6 months • No cell phone use • Must complete 6 months without at-fault crash or traffic conviction before progressing to the next stage	• Hold until age 16 • Night driving restricted between 9 p.m. or sunset, whichever is later, and 5 a.m. for 6 months (with exceptions) • No policy on number of teen passengers • No cell phone use • No policy • Violation of license restriction: 4 pts + $20 (criminal, non-moving violation)	• 6-month holding period if under age 18 • No change • No more than 1 non-family passenger under age 18 for 6 months • No change • Must complete 6 months without license cancellation. • Violation of intermediate license restriction: 2 pts + $20 (non-criminal, moving)
Standard License	Minimum age of 17	Minimum age of 16	Minimum age of 15 years, 6 months

I am writing to you as an anguished and mournful mother of a North Dakota son who was killed in Minot, on May 20th this year.

My son is Michael Fenner. He was barely just 18 years old, and 36 hours away from walking across a stage to get his high school diploma from Minot High School.

He never had the chance to enjoy that accomplishment, an accomplishment that all kids his age so look forward to. That moment was taken from him that night when a 16 year old boy, driving with his girlfriend in his parents pickup truck, ran my son over right on Broadway at approximately 10:30 pm.

My son never stood a chance of surviving. The doctors told me that had my son sustained those same injuries while in an operating room, he still would not have been able to survive.

In many states, children the age of 15 to 16 get permits and licenses to drive, but in most states, there are restrictions on these young drivers. Restrictions that limit how late in the evening anyone under the age of 18 can legally operate a vehicle. Restrictions that do not allow a young driver, under the age of 18, to operate a vehicle with any other children under the age of 18 in the vehicle.

The child that killed my son is just 16 years old. Per his own words at the police department, this child woke up at sunrise, worked at his parent's farm the entire day, rolling soy bean. He then drove his girlfriend who had been helping him, home, drove to town to his grandparent's property to mow their grass. He drove home, showered, drove back into town, picked up his girlfriend, drove to the local Menards, purchased items his grandfather needed, dropped those off and then he and his girlfriend drove around, hung out at a park, and then headed home. At that moment, he killed my child. This 16 year old child had been up working and running errands, without any rest, for 17 hours straight at the moment he killed my son.

He knew he had run over a person, as he called the police multiple times that night, but not to report what he had done or turn himself in. He simply drove to a park, hung out with friends and went home to sleep in his bed that night. Only after multiple pictures of his pickup truck appeared on the news and social media, did he finally turn himself in, 2 days later.

He is being charged as a juvenile, and the case will work through the court process, but nothing that happens there will ever bring my son back to me.

I implore you, and the state of North Dakota, to add restrictions to youthful drivers under the age of 18, like most states do. Children, and they are children, have not developed in their brains enough to understand the gravity of having a weapon of such weight and sheer force, in their hands. They do not comprehend that something as simple as being distracted, even for a moment, can cause the death of another human being.

With the technology at their fingertips, it's even more imperative that we limit our children's exposure to distractions while behind the wheel of a car or truck. I fully understand that children that live on farms, which this child does, assist and operate some heavy equipment on their parents farms, however, please think seriously about what that entails. An operator of a vehicle on a farm with 100's or even 1,000's of acres to drive across, being distracted won't do much damage at all. If you think it through, these kids are even more prone to not being able to comprehend the seriousness of their actions and decisions while driving on a city street compared to an open field with nothing to collide with.

I will never get my son back, I lost my heart and soul when he was killed that night. I can't breathe when I think about this, which is most of my days right now. I don't think adding some reasonable restrictions to a child's privilege to drive a motor vehicle, weighing 1,000's of pounds, is a hard decision to make. We need to protect our children who are driving, and those citizens that have to share the road with these children.

I don't feel it is unreasonable to expect our children, who are not yet 18, not be permitted to be cruising around town at all hours of the night, parents can take their children to and/or from locations if it's past 8pm. I don't feel it is unreasonable to keep our children from as many distractions as possible, such as other teenagers being in a car, which is nothing but a distraction. I have been driving for about 30 years now, and when my boys were 16 and in my car, it was non-stop distractions with the music and noise, cell phones, tablets and everything that comes with teenagers. I have the ability to understand those distractions as an adult who has many years of driving and a full understanding of how dangerous distracted driving is. We owe our children these restrictions to keep them safe. They need us to give them the time to mature and learn to respect the sheer weight of these vehicles. We are failing them if we do otherwise.

How many more children need to die or be seriously injured due to the lack of restrictions on youthful drivers?

I am begging you and anyone that needs to hear this story, to add these minor restrictions to our youthful drivers for their safety and the safety of everyone on the road.

Please do not let my son, Michael, die for nothing. If his death prompts changes to these driving rules and it saves a single child from the same fate, another mother from having her heart ripped out of her with grief, then at least there is a small piece of meaning behind his untimely and horrific death.

I kindly ask you to consider this matter seriously and make some simple, small changes to save any other families from the same fate as ours.

Sincerely,

A grieving mother.
Nancy L Cena

I am the mother of an 18 year old that was killed by a 16 year old driver, with another teen passenger, driving distracted at approximately 10:30 to 10:40 p.m., in Minot, North Dakota on May 20th.
My son was a pedestrian, crossing a street on a well-lit intersection after getting some food with a friend after completing his shift at work. If the Graduated Driver's License stages were changed to account for the dangers of teen drivers that are permitted to drive at night with other teen passengers, his death, and so many more, could have been prevented. Simple changes to these rules can save so many lives, including the teens we have driving now and those that are getting ready to enter that phase of their young lives. It is imperative that North Dakota recognize the dangers of teen drivers and enact these changes.
In North Dakota, drivers the age of 14 to 19 account for only 5% of all drivers, yet, are behind the wheel in 20% of all crashes. Additionally, North Dakota is only 1 of 5 states that does not have a limit on passengers during the Intermediate stage of license.

IMPORTANT Teen Driving Statistics

- The fatal crash rate for 16 -17 year olds is nearly twice as high at night.
- States with nighttime restrictions in place have reported up to a 60% reduction in crashes during the restricted hours.
- Only 14% of the miles driven by 16 – 17 year old drivers occur between 9 p.m. and 6 a.m., yet this time period accounts for 32% of fatal crashes for this group.
- Among teen nighttime crashes, 57% happen between 9 p.m. and midnight.
- Studies show that teen drivers, from the ages of 16 – 19, are 4 times more likely to get into a crash than older drivers.
- Per mile driven, the fatal crash rate of 16 – 19 year olds is 4 times higher at night than it is during the day.
- Teen drivers' risk of a crash increases 44% with just one teenage passenger, and quadruples with 3 or more teenage passengers.
- Car crashes are the leading cause of death for teenaged drivers
- 2/3 of all teenage passenger deaths happen in cars driven by another teenager.
- 6 out of 10 teen crashes involve driver distractions.
    - 15% due to interacting with one or more passengers
    - 12% due to using a cell phone
    - 10% due to looking at something inside of the vehicle
    - 9% due to looking at something outside of the vehicle
    - 8% due to singing/dancing to music
    - 6% due to grooming
    - 6% due to reaching for an object

One of the most dangerous sources of distractions for teen drivers, whether due to horseplay, loud music, rowdy behavior or peer pressure, is other teen passengers. 15% of teen driver crashes happen when the driver is interacting with other young passengers in the vehicle.
On average, 12% of teen driver crashes involved cell phone use in the moments leading up to the incident. Those same teens also failed to react more than half of the time before a rear-end collision.

- The risk of motor vehicle crashes is higher among 16-to 19-year-olds than among any other age group.
- The overwhelming majority (75 percent) of serious teen driver crashes are due to "critical errors," with the three common errors accounting for nearly half of these crashes: lack of scanning that is needed to detect and respond to hazards, going too fast for road conditions, and being distracted by something inside or outside of the vehicle.

- The majority of newly licensed teen drivers exit the learner's permit period with significant skill deficits, leading to a much higher risk of crashing compared with more experienced drivers. The most common types of crashes involve left turns, rear-end events, and running off the road.

Teenage Brain Development

- Judgement
  - The brain develops back to front. The last section to connect is the frontal lobe, which is responsible for reasoning, planning and judgment. Because the area that helps teens assess risks is still developing, speeding to beat a red light or texting while driving many not register as highly dangerous actions.
- Impulse Control
  - A teenager's brain is only about 80% developed. Regions responsible for suppressing impulses and weighing the consequences of actions are still under construction. Even among seemingly responsible teens, underage drinking is highly likely to result in drunken driving.
- Emotion
  - As the teen brain develops, differences in decision-making and judgement may occur in situations that are emotionally exciting or have high social impact. Teens take more risks behind the wheel in the presence of friends as compared to driving alone or with a responsible adult.
- Physical Changes
  - Physical changes, such as the reduction in gray matter, in the teen brain reflect experience and environment. Making mistakes is partly how the brain optimally grows. Teens are more likely to develop safe driving habits if parents regularly discuss and model appropriate behavior.

HOUSE TRANSPORTATION COMMITTEE
January 21, 2021 – 9:30 AM – 327E

North Dakota Department of Transportation
Karin Mongeon, Safety Division Director
HB 1194

Good morning Chairman Ruby and members of the Committee. My name is Karin Mongeon. I serve as the Safety Division Director for the North Dakota Department of Transportation (NDDOT).

I am here today on behalf of the NDDOT to provide information on HB 1194. This bill relates to: graduated operator licensing, minor operator requirements, and entries against driving record; driver's licenses issued to operators, restricted licenses, and class D instruction permits; and to provide a penalty.

The NDDOT, along with the North Dakota Highway Patrol, is assigned responsibility for the public safety of road users. Both agencies take this responsibility very seriously and three years ago, along with the Governor's Office and other private and public sector partners, launched the *Vision Zero* strategy to reduce motor vehicle crash deaths and serious injuries in North Dakota to zero.

Vision Zero has the support and involvement of hundreds of stakeholders throughout North Dakota working together to apply evidence-based strategies proven to prevent severe motor vehicle crashes. The licensing, education and driver experience changes proposed in HB 1194 are among the evidence-based strategies identified in the North Dakota *Vision Zero* Plan as priority strategies for implementation to reduce crash fatalities and serious injuries among young drivers in North Dakota.

Thank you for allowing me to provide information to you today. I would be happy to respond to any questions you may have.