

**2021 HOUSE TRANSPORTATION**

**HB 1409**

# 2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

HB 1409  
2/4/2021

A bill relating to class D authorized emergency vehicles; relating to yielding the right of way for authorized emergency vehicles and special restrictions on lamps; and to provide a penalty.

2:53 PM **Representative Kading** called the hearing to order.

## Attendance

<b>Representatives</b>	
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:

- Explanation of lamps
- Sheriffs recognition by flashing red lights.

**Chairman Ruby** introduction.

**Jonathon Malateire**, owner of company that equips emergency vehicles, testified in favor.  
#5537

**Andrew Schneider, Grand Forks County Sheriff's Office.** Oppositional testimony #5486.

3:29 **Chairman Ruby** closed the hearing.

3:31 Adjourned.

*Jeanette Cook, Committee Clerk*

## **House Bill 1409**

### **39-10-03.3.**

1. There needs to be a classification to help identify security vehicles when they are using emergency lights while on patrol on their property. Currently, amber lights are widely used by many different vehicles such as construction, maintenance, mail carriers, utility companies, garbage truck, snowplows, and tow trucks, so the use of the amber light no longer indicates a sense of urgency, but more of caution.

2. This law will make a uniform standard for Security vehicles operating in the state of North Dakota while performing their duties, necessary because the number of security guards and security vehicles visible in malls, parks, schools, and business is larger than we have seen in the past.

3. When someone needs assistance from security in areas such as a park or mall parking lot, and they see an amber light, people commonly assume it's a construction or maintenance vehicle. By changing security vehicle lights to half green and half amber, the public will quickly understand, even from a distance, that they are being approached by a security vehicle and that assistance is nearby.

4. If the security company chooses to use emergency lights on their vehicles they must follow these rules to use them. The vehicle must be clearly marked on both sides and the rear with the words PRIVATE SECURITY, SECURITY PATROL, or the name of the security company.

5. The emergency lights must be half green and half amber on their security vehicle. If they have a mini lightbar that has two lights, one must be green and one amber; or if they have a larger lightbar on the vehicle, such as eight lights, four must be green and four must be amber.

6. There are states in this country that have successfully enacted laws pertaining to security vehicles using emergency lights similar to the half green and half amber concept.

7. Security vehicles using these special lights will not be allowed to exceed the speed limit, nor endanger life, or property. The use of these lights does not entitle them to the same privileges as recognized emergency vehicles, such as Police, Fire, or Ambulance. When security vehicles travel outside of the property they are protecting, they cannot use their emergency lights, but will need to keep their lights off any time they are driving on public roads.

8. When I was on vacation in Florida, I needed security help to locate a parking section. The security vehicles were very visible as they had a full-size lightbar on their vehicle with the lights on a cruise mode, which is when the corner lights are on at 50% power and in cruise mode. Security was very easy to spot in a crowded parking lot.

Any Questions?

## **39-10-26.**

Vehicle to Stop or yield the right of way for authorized emergency vehicle or vehicle used for maintaining the state highway system.

This section is just cleaning up some wording. In the last session, we changed the definition of a Class A emergency vehicle and this has the same wording as that section 39-10-03.

We are just adding oscillating and the steady red or red and blue lamp to this section to have penalty apply to these uses of emergency lights. We not changing the fine or points, just the wording.

Any Questions



## **39-21-26**

### **Special restrictions on lamps.**

2. No person may drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a **Flashing, Revolving, Rotating, Oscillating, or Steady** red, **blue** or green light, which is visible from directly in front of the center thereof. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.

1. There has been a marked increase of people, mostly teenagers, installing lights on their vehicles to make it look “cooler”, but when traveling on public roads and highways it can be very confusing to other motorists, who are now aware that the vehicle approaching them is not an emergency vehicle.

I have had two encounters with vehicles displaying these lights. I was driving in Minot of 16<sup>th</sup> Street Northwest and I looked in my rearview mirror and saw a blue light coming from the vehicle bumper and hood. Assuming it was Minot rural firefighter going to an emergency call, I pulled over to let them by, only to discover that it was a teenaged driver using them to get the car in front of him to pull over. As soon as my vehicle started pulling over he quickly turned them off.

The other was also in Minot on 16<sup>th</sup> Street by the mall. A car with red lights coming from their bumper approached from behind, so I pulled over to let them by. When they passed, I realized it was another teenager who had these steady red installed front to back and on both sides of the vehicle.

I called the police on both incidents and later found out that the second vehicle with the red lights on it was pulled over by the City of Minot Police Department for having the red lights on.

2. This needs to be addressed because of serious concern for public safety. The average motorist is trained to believe that the lights indicate that there is an emergency vehicle. The public is going to do the right thing and pull over. Once they realize that the lights may not actually, indicate an emergency but someone impersonating an emergency vehicle, the public may cease to pull over, impacting the ability of legitimate emergency vehicles to get by.
3. By adding Flashing, Revolving, Rotating, Oscillating, or Steady and Blue Light to the Special Restriction on Lamps, along with Red and Green, it will make it easier for law enforcement to enforce these violations.

Any Questions?



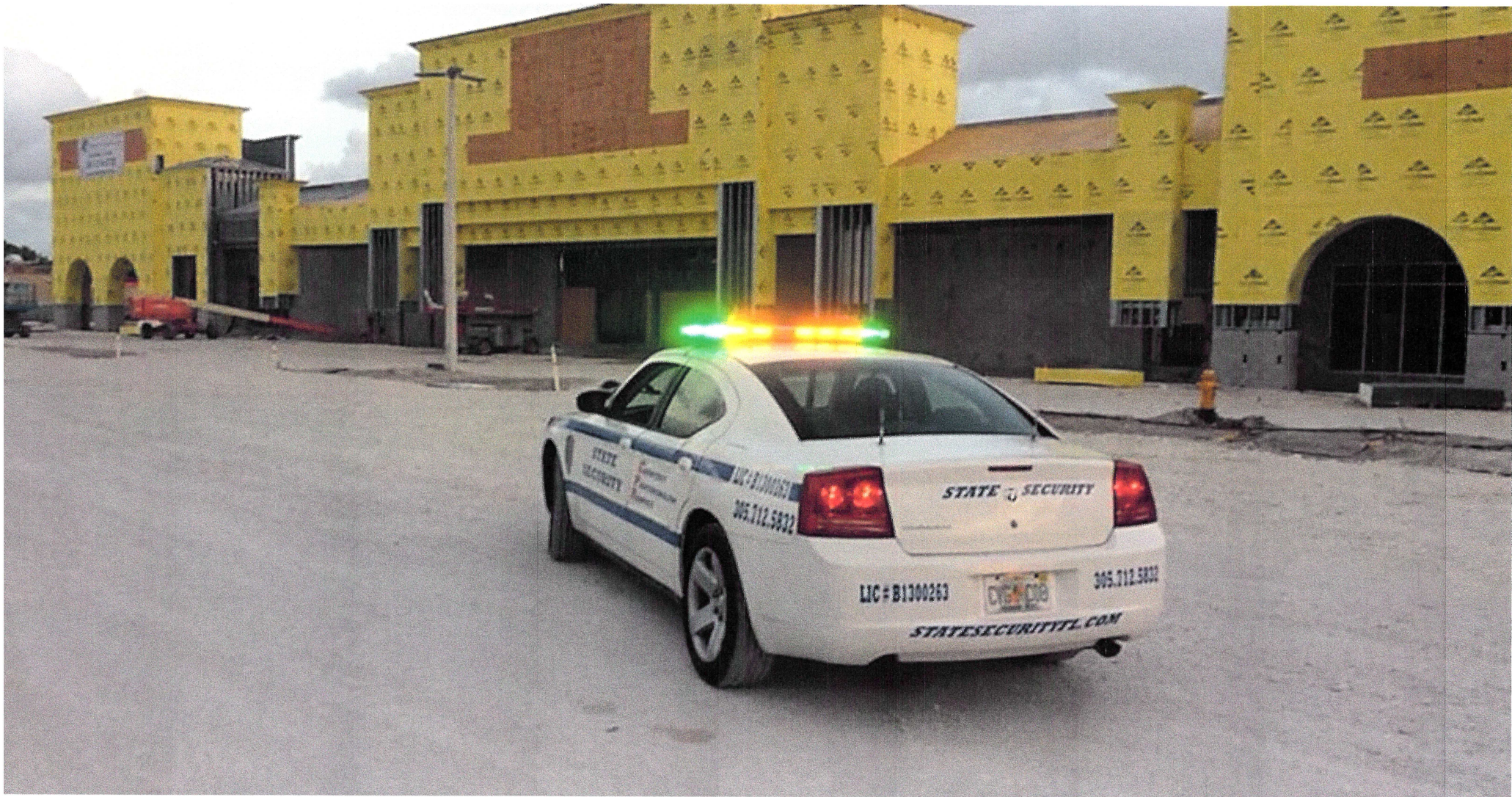


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**SHERIFF ANDY SCHNEIDER**



5486

**To: House Transportation Members**  
**From: Sheriff Andy Schneider**  
**RE: HB 1409**  
**Date: 2/4/2021**

**Chair Ruby and House Transportation members,**

**My name is Andy Schneider, and I have the privilege and honor of being the Sheriff of Grand Forks County. I come before you today to give testimony regarding why I am opposed to HB 1409 as written.**

**This proposed bill brings forth concerns regarding community oriented policing and proactive patrolling efforts that are performed by our Office, and likely others in the State.**

- **The bill adds language requiring individuals to yield to emergency vehicles displaying “a steady red or red and blue lamp”.**
- **Our office and other agencies utilize steady red and blue lights for proactive patrol.**
  - **Deputies will drive through smaller towns, alleys, and commercial areas with steady red and blue lights to provide high visibility.**
  - **This light pattern is commonly referred to as ‘cruiser mode’.**
  - **This allows us to provide high visibility patrol for two reasons:**
    - **Citizens are able to observe the vehicle in their neighborhood is law enforcement.**
    - **Criminal activity is deterred with a visible presence of law enforcement in the area.**
- **When we are utilizing this mode we are not requesting individuals to stop/yield the roadway to us.**
- **The proposed language would restrict officers from using steady red and/or blue lights specifically because proactive patrol is not an emergency and they are not requesting individuals to yield to them.**

**The current version of this bill will create a potential setback of proactive policing opportunities for law enforcement. I would respectfully ask that the committee consider removing the language referring to “a steady red or red and blue lamp”. Thank you for your time and your service to the state.**

**Andy Schneider**  
**Sheriff, Grand Forks County**  
**andrew.schneider@gfcounty.org**

# 2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

HB 1409  
2/11/2021

A bill relating to class D authorized emergency vehicles; relating to yielding the right of way for authorized emergency vehicles and special restrictions on lamps; and to provide a penalty.

2:53 **Chairman Ruby** brought the bill back before the committee.

## Attendance

Representatives	Vote
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P
Representative LaurieBeth Hager	A
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:

- Lack of necessity for the bill.

## Discussion

**Representative Paur** moved a Do Not Pass.

**Representative Paulson seconded.**

## Roll Call Vote

Representatives	Vote
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P
Representative LaurieBeth Hager	A
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

Motion Carried 12-0-2 Representative Hagert carrier.

3:05 Adjourned.

*Jeanette Cook, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1409: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1409 was placed on the Eleventh order on the calendar.