

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2378

2001 SENATE TRANSPORTATION

SB 2378


2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2378

Senate Transportation Committee

Conference Committee

Hearing Date 2-9-01; ~~2-15-01~~; ~~2-16-01~~

Tape Number	Side A	Side B	Meter #
1	x		19.8- End
1		x	0.0-1.4
2-15	2	x	0.0-2.9
2-16	1	x	0.0-13.4
Committee Clerk Signature 			

Minutes: SB 2378 relates to passengers in a vehicle and to nonmoving violations.

**Senator Erbele:** ( District 28; Supports) American Academy of Pediatrics asked him to sponsor this bill. See attached information. Basically says minors aren't allowed to ride in portion of vehicle not designed for passengers. Such as pickup boxes, and trunks of cars. There are exceptions stated for parades, emergency situations, etc. This protects our young children. Gives an example of "car-surfing" and how a young girl's life was altered because of it. This bill won't prevent the farmer with a pickup load of kids from driving along side the fence line, but it will affect kids in back of trucks in town.

**Rep. Todd Porter:** (District 34; Supports) In his profession he is a paramedic for ambulance services in Bismarck. Numerous times he has seen children hurt by riding in back of trucks. He watched a pickup load of kids go down "thrill hill" on Mandan. Situations like this are why we need this bill. He finds it funny how we have ordinances for dogs being tethered, but not children.

**Senator Trenbeath:** Why is this limited to minors? Why is this a nonmoving violation when vehicle is actually moving?

**Rep. Porter:** Adults we hope are smarter than that. I have no opposition to take "individual under 18 years of age" out of bill. I'm not sure why this is a nonmoving violation.

**Senator O'Connell:** What's the penalty for nonmoving violations?

**Senator Trenbeath:** \$20. With some exception \$50. No points.

**Senator Stenehjem:** I feel this is covered already by the current seat belt laws. We'll check into this.

**Rep. Porter:** I think it has to do with those seats that have belts. It doesn't deal with the back of a truck where there are none.

**Senator O'Connell:** ( District 6; Supports) For the record, I do sponsor this bill. I will not testify because I did have a 10 year old son who was killed in a pickup.

**David Peske:** (ND Medical Association, ND Academy of Pediatrics; Supports) See attached testimony.

**Senator Stenehjem:** (Reads from ND Century Code) States that while vehicle is moving, child under 4 must be in child restraint. 4-17 years old must be in restraint system also. So basically, we already have this- this is already the law.

**David Peske:** I've been told that this statute applies only to minors riding inside vehicle.

**Senator O'Connell:** I've had this discussion before also and " in the vehicle" and " riding in back of vehicle" are seen as two different things.

**Tom Magill:** (NDMA, Employed by Medcenter One Emergency Dept. Of Bismarek; Supports)  
This bill makes sense. Did his training in California where this law exists for everyone, not just minors.

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Senate Transportation Committee

Bill/Resolution Number SB 2378

Hearing Date ~~2-15-01~~ 2-15-01;2-16-01

**Charles Allen:** ( Employed by St. A's Emergency Dept.; Supports) States that he's had many experiences with this. Gives examples of incidents involving this bill and the danger of riding in back of pickups.

**Jan Schmid:** (RN; Supports) See attached testimony.

**Keith Sorenson:** ( ND EMS Association; Supports) Supports this bill.

**Carol Holzer:** ( ND Dept. Of Health; Neutral) See attached testimony.

Hearing closed.

**Committee reopened on 2-15-01.**

Amendment distributed by Senator Trenbeath.

**Senator Trenbeath** motions to accept proposed amendment. Seconded by Senator Espegard.

Roll call taken. 2-3-1. Amendment failed

**Committee reopened on 2-16-01.**

Senator O'Connell hands out proposed amendments.

**Tim Dawson:** ( Legislative Council; Neutral) States that the amendment basically changes \$20 fee to a 1 point penalty and only applies to the operator of the vehicle. It's neither a nonmoving or moving violation, it's an exception.

Senator O'Connell motions to accept proposed amendment. Senator Bercier seconded. Roll call taken. 6-0-0. Senator O'Connell moves to Do Pass as amended. Seconded by Senator Bercier.

Roll call taken. 2-4-0. FAILED.

Senator Trenbeath motions to Do Not Pass. Seconded by Senator Espegard. Roll call taken.

4-2-0. Floor carrier is Senator Trenbeath.

Committee closed.

10762.0101  
Title.

Prepared by the Legislative Council staff for  
Senator Trenbeath  
February 15, 2001

X Failed  
(3-2)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2378

Page 1, line 21, remove "under eighteen years of age"

Renumber accordingly









Date: 2-14  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2378

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 10762.0102

Action Taken Do Pass As Amended

Motion Made By O'Connell Seconded By Bercier

Senators	Yes	No	Senators	Yes	No
Senator Stenejem, Chairman		X	Senator O'Connell	X	
Senator Trenbeath, Vice-Chair		X	Senator Bercier	X	
Senator Mutch		X			
Senator Espegard		X			

Total (Yes) 2 No 4

Absent 0

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

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

Failed



**REPORT OF STANDING COMMITTEE**

**SB 2378: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2378 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 and"

Page 1, line 2, replace "39-06.1-08" with "39-06.1-09"

Page 1, line 3, replace "nonmoving" with "moving"

Page 1, replace lines 5 through 16 with:

**"SECTION 1. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**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; 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 sections 39-10-73, 39-21-44, 39-21-45.1, 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 2.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

Riding in prohibited area of vehicle 1 point"

under section 39-10-73

Re-number accordingly

2001 TESTIMONY

SB 2378

# Pickup Trucks

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## **AAP Policy:**

Pickup trucks have become increasingly popular in the United States. A recent study found that in crashes involving fatalities, cargo area passengers were 3 times more likely to die than were occupants in the cab. Compared with restrained cab occupants, the risk of death for those in the cargo area was 8 times higher. Furthermore, the increased use of extended-cab pickup trucks and air bag-equipped front passenger compartments creates concerns about the safe transport of children. The most effective preventive strategies are the legislative prohibition of travel in the cargo area and requirements for age-appropriate restraint use and seat selection in the cab. Parents should select vehicles that are appropriate for the safe transportation needs of the family. Physicians have an important role in counseling families and advocating public policy measures to reduce the number of deaths and injuries to occupants of pickup trucks.

Twenty-six states have enacted some form of legislation restricting riders in the beds of pickup trucks. Please see the following chart and map for details.

## **AAP Resources:**

Policy Statement: *Children in Pickup Trucks (RE9953)*  
Model Bill: *Children and Pickup Trucks (AMA Model Bill)*  
State Legislation Packet: *Children and Pickup Trucks*

