

**2011 HOUSE TRANSPORTATION**

**HB 1256**

# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Transportation Committee Fort Totten Room, State Capitol

HB 1256  
01/28/2011  
Job # 13638

☐ Conference Committee

Committee Clerk Signature

*Janette Cook*

### Explanation or reason for introduction of bill/resolution:

HB 1256 is bill relating to a graduated operator's license; and to provide for application.

### Minutes:

Attachments 1 - 18

**Representative Keiser**, District 47, introduced HB 1256 and spoke in support of the bill. He explained that the bill looks at the solutions needed for young people to gain experience safely. He briefly presented an overview of the bill. These sections are described in detail in testimony given by Glenn Jackson from the North Dakota Department of Transportation. (Attachment #3)

**Representative Keiser:** The critical part of the amendment (See attachment #1) is on page 7 where it lines through "may not operate any vehicle other than the parents' or guardians' vehicle". We would add with the amendment, "or grandparent's sibling's, aunt's, or uncle's" vehicles. We are extending the vehicle that they may operate to include significant family members.

**Adam Hamm, North Dakota Insurance Commissioner**, spoke in favor of HB 1256 and provided written testimony. See attachment #2.

**Chairman Ruby:** Can you tell us the difference between this bill and the one that we heard in the 2009 Session?

**Adam Hamm:** There will actually be a chart in one of the following testimonies that shows the current process compared to what is brought forward by this bill. I think that the difference between this bill and the last one is the way that we went about working with the Department of Transportation. What we see in HB 1256 dovetails into and works within the current driver licensing structure in North Dakota. Last session when we drafted 1492 it really wasn't like that. What we found was that if 1492 had been passed, it would have required a substantial challenge for the Department of Transportation to incorporate those changes into current code. Those challenges don't exist this time.

**Glenn Jackson, Director of the Drivers License Division at the North Dakota Department of Transportation,** spoke in support of HB 1256 and provided written testimony. See attachment #3.

**Representative Weisz:** On page 6 starting on line 8, if you are sixteen does it have to be parents or guardians?

**Glenn Jackson:** The intent was that if you are 16 or over you do not have drive your parent or guardian's vehicles.

**Representative Delmore:** How does the 50 hours of supervised driving experience differ from what students are offered now through a school program or another program?

**Glenn Jackson:** I am not aware of the specifics of education courses and what they are actually teaching or number of hours. I could find out that information.

**Representative Delmore:** If we look at the farm exemption, are they able to drive whatever vehicle, as long as it is under 50,000 pounds, where ever they need to go? And is there still a cell phone restriction in some of those?

**Glenn Jackson:** If the individual is fourteen or fifteen years of age they will still have to comply with all of the restrictions that are listed here. As far as driving other vehicles on a public highway, they can drive those vehicles anytime during the day.

**Chairman Ruby:** Dealing with the intermediate license and the restriction at night, would it allow for someone with an intermediate license to drive at night with an adult after nine o'clock?

**Glenn Jackson:** That is correct. If there is an adult in the vehicle, there is no limitation. With an adult present someone who has an intermediate license can drive anytime, anyplace.

**Chairman Ruby:** Could you reference where it tells us that?

**Glenn Jackson:** Page 6, line 21.

**Representative R. Kelsch:** In the drafting of the bill, it says that wireless communications devices are prohibited. Did you give considerations to i-pod and those types of devices?

**Glenn Jackson:** In the definition that we gave of a wireless communication device we said, "an electronic device including a wireless telephone, personal digital assistant, portable mobile computer, or other device, any video display equipment, the term does not include a GPS or navigation system." In that definition we looked at wireless telephones, PDA, and any type of device along those lines. We did not specify an i-pod.

**Representative R. Kelsch:** Is it your belief that an i-pod would be included in that definition?

**Glenn Jackson:** Yes, it would.

**Representative R. Kelsch:** Did you think at all about beefing up the private school driving programs or looking at that issue? There are a lot of people that will say that perhaps the drivers get more experience with the classroom offerings than with a private school.

**Glenn Jackson:** At the end of the day, we left that aspect of learning to drive the way that it currently is. If you are under sixteen, you have to take driver's education. We did not specify. We wanted to keep this bill as clean and as close to what we are currently doing, while building in a space where we can teach our kids to be safe as possible.

**Representative R. Kelsch:** Is the signed affidavit your way of saying that a parent won't sign something and send it, if it is less than 50 hours?

**Glenn Jackson:** The signature will be only on the application at the time that they bring their child in to get their license. So, they will sign that in front of us, and if they aren't telling the truth then they are harming their children. There is nothing we can do.

**Representative Delmore:** If I am up to 18, I have to have the 50 hours. If I am 18 or over, I do not need them?

**Glenn Jackson:** That is correct.

**Francis G. Ziegler, Director at the Department of Transportation,** spoke in favor of HB 1256 and provided written testimony. See attachment #4.

**Representative Delmore:** Why did you choose North Carolina? Is this law the most like theirs or have they done this the longest?

**Francis G. Ziegler:** They were in the forefront of the GDL. They have a university study of the Graduated Driver's License, and what it did for them. We thought that was the most complete study in the nation.

**Representative Delmore:** Do you have any data from neighboring states? I don't find a lot of commonality between North Carolina and North Dakota. Conditions of roads are quite different.

**Francis G. Ziegler:** I don't personally have that. There are others here today that may have an answer to your question.

**Representative R. Kelsch:** What is currently the average age in North Dakota that young people are getting their licenses? Would you break out the cause of death for the motor crashes of 14 – 17 year olds, so that we know the specific reason for each crash? I am referring to things like: alcohol, seat belts, road conditions (like gravel), etc. It would be beneficial for us to see if there are other areas that we need to look at for potential safety.

**Francis G. Ziegler:** We do have all that data. I don't have it with me today, but can get it for this committee. It is the crash statistics for the entire year. It goes back many years.

**Representative R. Kelsch:** I asked for that information because I am curious if there are any sort of trends that we would see. Why don't you just go back to 2005, you don't necessarily have to do it by year. I am less interested in that than about the safety concerns.

**Francis G. Ziegler:** We have a book that has all the statistics that you are looking for.

**Representative Weisz:** On the graph it shows 39% of 14-17 year olds died in a motor vehicle crash. Could an adult have been driving?

**Francis G. Ziegler:** Yes, they could have been, but typically those are the teens that were in the crash.

**Representative R. Kelsch:** That would be important to know as well, if they were the driver or a passenger in the crash.

**Chairman Ruby:** It will be interesting to see if they are a passenger of another teen driver.

**James Prochniak, Superintendent of the North Dakota Highway Patrol,** spoke to fully support HB 1256 and presented written testimony. See attachment #5.

**Terry Dwelle, the State Health Officer for the North Dakota Department of Health,** spoke in favor of HB 1256 and provided written testimony. See attachment # 6.

**Chairman Ruby:** Why does the Center of Disease Control and Prevention include statistics on vehicle crashes?

**Terry Dwelle:** Public health spans all of the situations that we may have that impact wellness and livelihood of people in the nation. Therefore, such things as vehicle crashes are included. Vehicle crashes are the most common cause of deaths in teens, followed by non-motor vehicle accidents. That is followed by suicide. That kind of information helps us in Public Health, as legislators, and as a nation to define how we are going to deal with policy issues.

**Gene LaDoucer, AAA of North Dakota,** spoke in favor of HB 1256 and provided written testimony. See attachment # 7 which includes findings from the 2010 Statewide Parent Survey regarding teen driver issues.

**Representative R. Kelsch:** I appreciate the fact that you conducted a survey, but did you ask the parents if they realize that they could do all of this themselves? It is called parental control.

**Gene LaDoucer:** We did not ask that specific question, but the parents that we talked to expressed the opinion that they are not worried as much about controlling the actions of their own child, but they have concerns about what other children are doing on the road. As you know, right now a teen can obtain a license after only six hours of behind the wheel

driving. Nothing else is required beyond that. We also have parents on the opposite end, who go above and beyond in providing their teen the auto experiences that they need to be a safe driver. This bill provides a system, and that provides a level playing field for all teens and their parents.

**Representative Heller:** How were the parents selected to be interviewed?

**Gene LaDoucer:** There was a random sampling of parents across the state. The family had a fifteen or sixteen year old in it. They were called, and then they were asked which parent was most involved with their child's learning to drive process. They were then asked a series of questions.

**Representative Weisz:** Can you tell me how many received their licenses at age 14, 15, or 16 and correlate that data to the crashes?

**Gene LaDoucer:** I do have that data but not right on hand. About 9% of fourteen year olds obtain their license. At age sixteen we get to the point of having about half of our teenagers licensed in North Dakota. Many are waiting well beyond the age of 14 to obtain their licenses.

**Representative R. Kelsch:** In states that have instituted GDL's, have the policy holders that have teens in that age bracket seen their insurance premiums go down in correlation to the implementation of the GDL?

**Gene LaDoucer:** I can't speak to that. I think that parents are more concerned about the health and safety of their children, rather than policy rates. Obviously if there is a reduction in crashes involving teenagers, it would be reflected in the premiums at some point.

**Gene LaDoucer introduced Doctor Robert Foss**, who is a research scientist and an expert who helped advise on teen drivers and the Graduated Drivers' Licensing system. He analyzed the data on the North Dakota survey of parents of teen drivers.

**Doctor Foss, Ph.D., University of North Carolina at Chapel Hill**, spoke in favor of HB 1256. He is the Director of the Center for the Study of Young Drivers at the University of North Carolina. He also chairs the Transportation Research Board Subcommittee on Young Drivers, which includes most of the world's top young driver researchers. He speaks on behalf of the scientific community. He provided written testimony. See attachments # 8 and #9.

**Representative R. Kelsch:** I have heard that the majority of the accidents in North Dakota happen in rural areas. It was mentioned that accidents often happen because of speed, but the rural roads usually have the lower speed limits. If more of the accidents are occurring in rural areas, do you think it is because they are allowed to drive large equipment or the big pickups that they don't know how to drive as well? Was there consideration of upping that age for not being able to drive the big equipment?

**Doctor Foss:** Driving speeds on rural roads tend to be 55 to 65. Driving speeds in cities tend to be 25-35. So, when a crash occurs at a higher speed, by the laws of physics, it is a

more serious crash. The vehicles involved in the rural accidents are mostly the same as other areas. You will find a slightly greater percentage of pickups, but we are talking about four to five percent of vehicles driven in rural areas are pickups. It is not a matter of large vehicles; it is the same kinds of vehicles. The issue is that they just don't yet understand all that is involved in driving. When you make a mistake when driving at high speed, it is just more devastating than at low speed.

**Representative Frantsvog:** Someone previously testified that North Dakota is the only state that doesn't have a GDL. You have obviously seen many GDL systems. In your opinion is this system that we are reviewing today a good system or not a good system?

**Doctor Foss:** This is an excellent system. But, what it doesn't do, which actually pleases me, is to make recommendations that flow out of groups in Washington and try to impose them on North Dakota. One of the things that some Washington groups are trying to do is enact a national law that would require the beginning age for drivers to be sixteen. These are people who have no clue what driving or life is like rural areas. The beauty of this bill is that the group that crafted it has worked very hard to make it fit with the way life is lived in North Dakota. It includes the basic principles of the GDL system. It is a great bill.

**Representative Louser:** You mentioned that parents love GDLs. What are the parents' reactions to having to submit an affidavit that they have spent at least 50 hours of supervised driving with their teen(s) over a six to twelve month period?

**Doctor Foss:** We haven't asked the question in exactly that way. I can tell you that many states require this, and parents are not bothered at all by the affidavit. In several states in Australia the requirement is over 100 hours. They also must submit a driving log. Maryland also does that in the US. Parents are very concerned about their children, and they don't see any of this as much of an imposition.

**Chairman Ruby:** Isn't that somewhat non-verifiable in a way?

**Doctor Foss:** Yes, it is, but it still provides guidance. There have been studies done on this, and they have found that some parents sort of "fudged", or a few will round things up, but most tend to report as honestly as they can. All the elements of a GDL system give guidance to parents for what they need to do, and to some extent, how they need to do it. If they don't do it, then their teen is out, but when provided with this most seem to do quite a good job of it.

**Representative R. Kelsch:** Are you a paid consultant, and were you brought in by this committee that has been working on this?

**Doctor Foss:** No, I am not a paid consultant. We have a contract with the Centers for Disease Control to provide assistance for states if they are interested in working on building a drivers' licensing system. The Centers for Disease Control provides funding for us to provide help. The kind of help that we provide is basically whatever the state feels like they need. If they need analyzing data, we can do that. They may need help in understanding the issues with young drivers. We could help find resources that help describe the issues.

**Representative Weisz:** Since North Dakota is the only state that is without a GDL, can you tell us how much higher our teen crash rate is than the national average?

**Doctor Foss:** I can't tell you the answer to that. If I could, it wouldn't matter. The reason being, the crash rates in a state reflect that state's culture and population, where people live, and the roadway systems. Where I live the crash rates are always higher. The roadway system is much more dangerous than in other areas. Comparing states isn't fair. You need to measure yourself against your own benchmark.

**Doctor Ron Miller, a Pediatrician from Fargo and the Medical Director of Children's Services at Sanford Health, and a professor in the pediatric area for the University School of Medicine,** spoke to support HB 1256.

**Doctor Ron Miller:** I don't represent Health Care groups as a lobbyist, but every health group in the state supports this legislation for a GDL. The reason is that accidental deaths are a disease of children. That is why the CDC studies it, because we have eliminated measles, scarlet fever, typhoid, malaria, and many other diseases that used to be the scourge of children in America. We are now losing our children in America, and specifically in North Dakota, to teenage driving accidents. Accidental deaths while driving are the number one cause of death in North Dakota. Because of advocacy as a pediatrician, I joined up with this group that you support called the Child Fatality Review Panel. It is a group of people in North Dakota that meets in Bismarck four times a year to discuss all the deaths in people under 18 years of age. So, we discuss all these deaths. What I saw over the ten plus year period of time was that the deaths in North Dakota are road accidents. I am here to tell you that they are not urban kids, just for the reasons that Doctor Foss outlined. Because when the kids learn to drive in the environment of Fargo, Bismarck, or Minot, they learn to drive at road speeds that don't allow for deaths. When they are learning to drive in rural areas, they go faster, sometimes too fast. So do the kids in Fargo that are going 35 in a 25 zone, but, when you are going 70-75 in a 55-60 zone, it is a much riskier experience. In the way of full disclosure, I was born in Iowa in a rural area and grew up on a farm. By eleven years of age I was driving a pickup around the farm. My father taught me how to drive, and by the time I was fifteen I got a permit. I never had an accident that was my fault until I was in my fifties. I love rural America. North Dakota is a rural state, even more rural than Iowa. I am here to tell you, I have been in North Dakota for 33 years, and having been in Iowa, Minnesota, and North Carolina and they all have rural areas. It is the rural kids that are dying. Let me give you an example. Doctor Foss's data comes from what he did, but he got a lot of his data from the state of North Dakota and from NDSU. One of the things that NDSU did is to look at all the deaths in kids over a ten year period of time by county. There were as many deaths in Williams County as there were in Cass County. Cass County has five times the population of Williams County. There should not be that many deaths. The reason is the rurality of Williams County. What we are looking at with Graduated Licensing is a medical kind of solution. It is evidence based medicine. So, when you go to the doctor and the doctor gives you a medicine or recommends a surgery, that medicine or that surgery should be evidence based. This (GDLs) is evidence based. You have heard the evidence. It is evidence generated across the United States, in other rural states, in Kansas and Iowa, and the very rural parts of North Carolina, and evidence gathered from North Dakota. This is a lot of North Dakota evidence. We don't have all the information about North Dakota that other states have gained, but we have a lot. You have



heard it, and we are the same. We are not that much different than a lot of these other rural states. This is evidence based. Just when we provide immunizations for children to prevent measles, evidence based, or other types of treatments that are evidence based. The really surprising information that I learned the last two years is that parents really like this beforehand. They kind of get the idea and kind of like it, but after it has been instituted, they love it. The kids themselves get better with it. They accept that this is the way things should be. The costs of doing this are not going to be huge. The Department of Transportation has some very creative people and has a way to do this at minimal cost. So, we have an opportunity here to take and eliminate the most common cause of death of kids in North Dakota. There are about ten deaths a year in North Dakota in this age group. We can knock that down to 4-6. We have the opportunity to use an evidence based practice. It has worked in other states and shown reduction in deaths of 40%. That doesn't even begin to include traumatic brain injury problems that happen in these kids. We are only counting the deaths. I make it a habit because I am the medical director... (inaudible) We want to save those lives, evidence based, at no cost to the state. That really could make a huge difference to many families. That is what this legislation is going to do.

**Representative Sukut:** Your comments related a lot to the rural areas and in this bill we are making allowances for youngsters to drive back and forth from home to school or to church. What is your response to that?

**Doctor Miller:** Like I said, I grew up on a farm eight miles from town. I understand that kids are out there that are driving 20 to 30 miles. What happens is that if you implement a rule that says that kids should not drive after nine o'clock alone, then the school will simply adapt and adjust to that. The 4-H club will adjust to that. The boy scouts or the church groups will close up shop at 8:30, and then everyone goes home, because that is the rule in the state. That is what has happened in other states. And so, it works. Part of the thing with this driver's license system is that you move it forward, so that everyone says, that the way life is now. It is a bit of a cultural shift. Because it is a cultural shift, it is hard. We worry that it will negatively impact certain groups of people. The fact is that the group of people that is now being impacted negatively and adversely is kids in rural areas. It will be a little bit of a hardship on families. It is not much. Very few parents, 2-5% are upset about Graduated Licensing after they have had it. In a random survey of any kind at least 10% will be upset about it. And here only 5% are upset about it. About 70 % love it, and another 25% think it is pretty good. This is something that people like. Once rural parents see what it does for them, they will like it. I tell families over the past year and a half, this is what you need to do, and I give them an abbreviated version of this. It is not every day as a pediatrician that I get a chance to save a life. I can think of maybe two times that I saved a life right on the spot. The state has a chance to save the lives of several children a year, maybe even more than the national statistics would show, and that is why that is such an important bill. This is a chance for us to immunize children in North Dakota against a (inaudible). This is evidence based, and it works.

**Richard D. Ott, Executive Director of the Head Injury Association of North Dakota,** spoke in support of HB 1256. He provided written testimony. See attachment #10.

**Pat Ward, a representative of State Farm Insurance:** Many of the domestic insurance companies are in support of this bill. I think that the facts are really irrefutable on this one,

that if you pass this law, you will save lives. We have talked a lot about fatalities, but I am going to tell you about another aspect of this which is all of the urban accidents that result in personal injuries and property damage. The majority of the fatal accidents may be happening out in the country, but inexperienced drivers are having accidents in town too. They are rear ending people, there are whiplashes. They are running into people's property. I will tell you my own story. I was raised and learned to drive in the second largest city in the United States. The very first time my dad let me take the car by myself, I made it a block from the house, made my second turn, and put a dent in his car. I went back around the block and back home to tell my dad. That was my first experience. I really think that this is important. What we are asking you to do with this law is to weigh the inconvenience of having parents spend a little bit of quality time with their kids in return to possibly save their lives.

**Paula Barge, Cassleton, North Dakota**, mother of Ryan Barge, spoke to support HB 1256. She shared pictures of her son and told the story of his tragic death on August 12, 2007.

**Paula Barge:** Ryan was sixteen years old and riding in a pickup driven by a friend. There were four kids in a three passenger pickup. They were driving on a gravel road and speed was a factor. The kids were all texting. They ended up running into a semi on Ryan's side of the vehicle, and he ended up taking the brunt of the impact. He had a severe brain injury and was on life support for seven days at which time he was pronounced brain dead. I am here in support of this bill in hopes..... It is just time to make a change.

**Lisa Anderson, from Leeds, North Dakota**, spoke in support of HB 1256 and provided prepared written testimony. See attachment #11. 1:40

**Dennis Burdolski**, a citizen that lost his fifteen year old daughter in a car accident, spoke in support of HB 1256 and provided written testimony. See attachment # 12. (Recorder out for a period of time during this testimony. 1:43 restarted)

**Rhonda Boehm**, from McClusky, North Dakota, spoke to support HB 1256. She provided written testimony. See attachment #13.

**Representative R. Kelsch:** Would Eric have been one of the students that would have been affected by the law change? Would he have gotten his permit at fourteen and his license at fourteen and one half, or was he right in-between that time when we made the law change?

**Rhonda Boehm:** He was right in between that time.

**Representative R. Kelsch:** So, he had gotten his license at age fourteen, so he probably was in that age group right before the law took effect.

**Bobbi Paper**, a proud parent of a teenage driver, spoke to support HB 1256 and provided written testimony. See attachment # 14.

**Carrie Sandstrom**, a junior at Century High School and a member of the Students Against Destructive Decisions Northern Lights Advisory Board, spoke in support of HB 1256. Written testimony was presented. See attachment #15.

**Representative R. Kelsch:** What age did you get your driver's license?

**Carrie Sandstrom:** I got my permit the day I turned 14; I had my permit for just over a year, and got my license when I was a little over 15.

**Representative Heller:** How much while you were holding your permit, how often did you drive with your parents?

**Carrie Sandstrom:** I didn't get as much experience as I could have. I took the bus to school, so I didn't drive then. My mom didn't approve, so I didn't drive with her. I drove with my dad and my god mother who helped teach me. That's one reason that I think that there should be a specific number of hours, to make sure that all teens are getting the necessary experience.

**Representative R. Kelsch:** That's because dads tend to be more patient in the car, although moms are better drivers. That's why dads spend more time in the car with you.

**There was no further support for HB 1256.**

**Sandy Clark, North Dakota Farm Bureau**, spoke in opposition to HB 1256 in its present form. She expressed that the Farm Bureau is very concerned about the young people and their safety on the road is a great concern. This group feels that parents, not the government, should decide when their teens are ready to drive. See attached testimony #16.

**Representative Delmore:** The concern has been expressed here today that teenage drivers without experience are at a special risk. Do you encourage members to work with their children when they get their permits to make sure that they get 50 hours of driving, and that they are exposed to all the things that I think that this bill will help do?

**Sandy Clark:** Yes, North Dakota Farm Bureau does have an instructional program called Route 1000. It is designed for teen drivers and includes both the parent and the student. It teaches self responsibility for these young people. If they go 1000 days without a violation; they get a \$1000 savings bond.

**Representative Delmore:** Are you aware of the statistics of teenage between nine and midnight and how many of them are in fatal accidents? Now you are asking us to move this to midnight.

**Sandy Clark:** I have some statistics that have been presented and have had conversations with those that are proponents of this bill. We are aware of the statistics. We still think that 9 PM is too early and that young people are responsible, and we don't feel that we should penalize all of them.

**Representative Gruchalla:** Was your board unanimous in their decision to oppose this bill? Also, did you know that if we make the changes in the bill that you are requesting, we will probably still have almost as many crashes as we have now?

**Sandy Clark:** (Two sentences inaudible) When the vote was taken, one board member abstained. There was some conversation about these policies as far as (inaudible). As far as the hours, all I can say is that they are accidents and they are going to happen. We need to teach our young people self responsibility. We think that if the other provisions that you have here are put into place that will also reduce the crashes, the provisions such as one passenger and fewer distractions.

**Chairman Ruby:** What I am hearing is that you are opposed to some of the restrictions in the bill, but you are not opposed to the whole concept. Is that correct?

**Sandy Clark:** Absolutely, that is what we want to say. We are not opposed to everything that is here. We are just looking for some consideration in some amendments that would result in a compromise.

**Mark Knudsvig,** a farmer from Berthhold, spoke to represent himself and his wife Arlys and presented written testimony. See attachment #17.

**Vice Chairman Weiler:** In your testimony you mentioned that it would be OK to put restrictions on some of the kids.....

**Mark Knudsvig:** I meant like if you want more training. I don't know why we need more restrictions on the licensing process than it has right now. A lot of these people lost children, and I am very sorry for these people. But, a lot of the accidents were because of distracted driving. I agree with the cell phone ban; I don't think that there should be any sort of texting either.

**Vice Chairman Weiler:** How would we go about putting restriction on SOME of the kids?

**Mark Knudsvig;** I don't mean you could just put them on some, you would have to be fair. All I suggest is that if you don't allow cell phone use, it should be on everybody. Also the other thing that I saw that would be OK, is if you added some more training. If you want to use the parents to do that, fine. Some parents maybe don't want to train their kids, but you know....for the most part, I would hope they would be responsible enough to teach them.

**Jerry Saude** provided written testimony in opposition to HB 1256. See attachment # 18.

**There was no further opposition to HB 1256.**

**The hearing on HB 1256 was closed.**

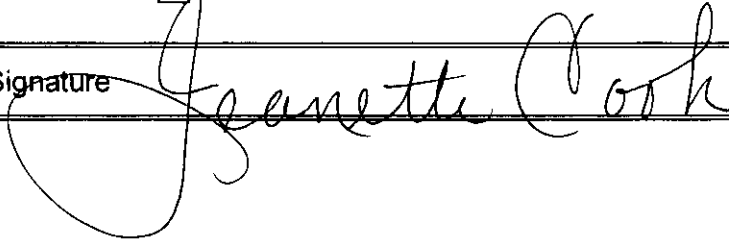
# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Transportation Committee Fort Totten Room, State Capitol

HB 1256  
02/10/2011  
Job #14384

☐ Conference Committee

Committee Clerk Signature



### Minutes:

**Chairman Ruby** brought HB 1256 before the committee. New amendments were discussed. See attachment #1.

**Representative Delmore** moved the amendments (#1).

**Representative Owens** seconded the motion.

A voice vote was taken, and the motion carried. (Vote sheet #1)

**Representative Delmore:** I remember that we talked about putting in an emergency provision, so that someone wouldn't be charged if they had to take a sick person to the hospital, for example. Are we going to do that? Add: "emergency situation" on p. 5 line 28 after the words "to and from work, a school activity, or a religious activity (insert)".

**Representative Delmore** moved the amendment. (Vote sheet #2)

**Representative Hogan** seconded the motion.

**Representative R. Kelsch:** It may be difficult to define an emergency situation. It may vary in severity according to the person.

**Representative Delmore:** Could we possibly use "life threatening situation"? Perhaps we can just trust that law enforcement would understand that there really was a serious emergency.

**Vice Chairman Weiler:** At some point we need to leave things up to the authority of law enforcement to understand sometimes there is a situation that we don't have to charge them with something. We can't put every circumstance in here.

**Representative Delmore** withdrew her motion.

**Representative Hogan** withdrew the second.

**Representative Weisz** introduced new amendments. See attachment #2. He provided copies of the amendments, and explained that these amendments delete the intermediate phase.

**Representative Delmore:** What would be the advantage to this over the intent of the original bill?

**Representative Weisz:** There are so many provisions in the intermediate section, such as: what to do with night time, who can ride and who can't, what type of event, what is qualified, .... I don't have a problem with making sure they know how to drive. I don't have a problem with saying they won't be able to drive until 14 ½, prior to 2001 they could drive at 13 ½. I think that there are so many issues. You are going to have eighteen year olds getting pulled over because they look like they are fifteen, and they have three buddies in the car. We look at issues of going to religious activity, or to and from school, who can be with you and who can't. As was pointed out, there may be an emergency situation. Now how does that rank? I see those parts as being extremely hard to enforce and even hard to understand. So, I feel this is another step. Only seven percent get their licenses at the age affected in the intermediate phase. The vast majority of the applicants are sixteen or seventeen to start with. They aren't even affected by the intermediate provisions. This gives them another six months to learn. My problem is really that we have a driver's test that doesn't even prove that you know how to drive. It just says you know how to follow the rules of the road. Make sure that kids know how to drive, and don't give them a license if they don't.

**Representative Weisz** moved the amendments.

**Representative R. Kelsch** seconded the amendments.

**Representative R. Kelsch:** Up to age sixteen would you still have to hold the permit for twelve months, or would you have to hold the permit regardless of when you apply for the license?

**Representative Weisz:** Under my amendment that would stay the way the bill is currently structured. If you are sixteen years or older, you only need a permit for six months. If you are under the age of sixteen, you have to have a twelve month permit. Under my amendments if you are fifteen and one half, you still have to have a twelve month permit.

**Representative R. Kelsch:** Would you be open to a substitute amendment that would say use of electronic communications devices would be prohibited up to age 18? The way that you have it now, they would only be prohibited during the permitting period.

**Representative Weisz:** I would be amenable to that.

**Representative Gruchalla:** I would resist the amendments. The graduated period is the meat of the whole driver improvement in the bill. It took a long time to get to this point. Each one of the things listed in the intermediate phase is something that contributes to the crash statistics for teen-agers. If you take it away, you take away the major reason for the bill. Having the permit for a year rather than six months is a good thing, of course. The intermediate period is designed to put the kid in the car and restrict his movements, electronic devices, and the amount of passengers because those distractions are what increase accidents. Statistics show that if you do these things, you will reduce the crash statistic and save lives. I would resist the amendments.

**Representative R. Kelsch:** I understand how Representative Gruchalla feels about this bill. He is passionate about it. I am equally passionate about it. There still is parental control in this state. There still should be parental influence in this state. I have a difficult time with constantly parenting for everyone else.

**Representative Heller:** If we put on Representative R. Kelsch's amendment to further amend Representative Weisz's amendments, then all electronic devices would be gone. Then the only thing that this would change is the driving "between 9:00 PM or sunset and 5:00 AM", so that would be gone, and the "no more than one teenage passenger". Otherwise would everything be the same?

**Representative Weisz:** That is exactly correct.

**Representative Onstad:** I was not part of the group that looked at this for the past sessions. But, if you look at the statistics and ages, parenting skills are not part of that. We could eliminate a lot of laws and restrictions if we left them all up to parenting. Parenting wasn't addressed in the statistics part of it. They were generated on a average, good or bad parents. I think we have to give the committee, which brought this bill to us, credit for the statistics that have come to surface on this issue. I stand to resist the amendment and vote for the bill as it is.

**Vice Chairman Weiler:** I am also going to resist the amendments. I think that there has been a lot of time, effort, and thought put into this bill. We had a hearing on this legislation. I am uncomfortable with changing this at the last minute without a hearing.

**Representative Sukut:** Do I understand correctly that you eliminated the intermediate phase of this bill and substituted the 50 hours of driving in place of that?

**Representative Weisz:** The fifty hours is already in the bill. The other requirements are still in the bill. This just removes the intermediate phase.

**Representative Sukut:** I liked the restrictions in the original bill. I am going to oppose the amendment.

**Chairman Ruby:** How is the license restricted right now until eighteen, other than the increased penalty or the lower level of points needed to lose your license?

**Glenn Jackson:** One of these items in this amendment eliminates current law. It takes all of 39 of 614 which is our licensing authority out. The amendment eliminates all of those lines not just the intermediate phase.

**Representative Weisz:** The lines are eliminated because they are not needed in the bill. They are not referencing that section. We are not deleting any of that.

**Chairman Ruby:** There is no repeal of current language.

**Representative R. Kelsch:** What would be the correct language beginning on line 27 -31, if we want to restrict it to age eighteen? So, we can insure that if the texting bills don't pass in the Senate, a minor texting ban will be in effect.

**Glenn Jackson:** I believe you would have to specify, this section on the instruction permit covers age fourteen and up. I think that if you want to include this specific to an age group under eighteen, I believe that you would need to specify that.

**Representative R. Kelsch:** Okay, then we should say, " anyone under eighteen may not operate an electronic communications device" instead of "the permittee".

**Glenn Jackson:** If you said that then you are taking anyone who actually has an operator's license without restrictions and also applying that to them, rather than just someone with a driving permit. This section just deals with the permit.

**Representative R. Kelsch:** Correct and what I am trying to say is this. If the texting ban does not pass in the Senate, then at least there would be a minor texting ban. So, I am just adding into Representative Weisz's amendment that there would be a minor electronic communication device ban.

**Chairman Ruby:** We understand the intent.

**Representative R. Kelsch:** The average age of a young person that gets a license in North Dakota is 15 ½. I thought that everyone should have that information before they vote.

**Glenn Jackson:** The average age when a young person gets a license is approximately fifteen years and eight months.

**Chairman Ruby:** If we approve the amendments, they will include the intent of the language to limit electronic devices brought up by Representative R. Kelsch.

**A roll call vote (Vote sheet #3) was taken on Representative Weisz and Representative R. Kelsch's amendments. Aye 4 Nay 10 Absent 0  
The motion failed.**

**Representative Heller:** I would like to further amend the time section that restricts the hours that they can drive. It says "the later of sunset or nine o'clock" now. I would like to change that until 10:30 PM. It seems like 9:00 PM is really early. It is just a suggestion; I like 10:30 PM better.

**Chairman Ruby:** I know that for every hour that we extend the time, there were a certain number of deaths that occur. So, they would be prevented by having the time earlier.

**Representative Gruchalla:** I would resist that amendment. The time between nine and eleven is the real critical time. The later you go; the more crashes there are; the more dead teenagers. Nine o'clock is the average time in the nation. It is set that way for a reason.



**Representative Heller's suggested amendment did not have a second. (Vote sheet #4a)**

**Representative R. Kelsch:** Can someone tell me what a 50,000 pound vehicle is?

**Chairman Ruby:** It is called a truck. A tandem axle truck can be licensed up to 46,000 pounds. So, it will be a tri-axle or above, that would legally be carrying 50,000 pounds.

**Representative R. Kelsch:** On page 7, Subsection 7, help me to understand that.

**Chairman Ruby:** That is an exemption for someone who is at least fifteen to drive a grain truck that would be less than 50,000 pounds. Basically, it would be a tandem grain truck. This would allow them to drive that truck around the farm, to the elevator, or wherever. When they are eighteen they can drive a semi with a Class D license and not have to get a commercial driver's license.

**Representative R. Kelsch:** So, this says that a kid in town needs to have someone with them during the intermediate period of time, but that a farm kid can drive a big truck, go down the road, and they are safe. I think this is hypocritical. I was a farm girl and understand how important it is to have kids work on the farm. But to say, town kids have to have someone with them, and county kids can drive a big ole truck, I have a problem with that.

**Representative Louser:** On page 6 line 24, it seems to me that this should just read family members. There are instances in North Dakota that we have sixteen year old mothers who would be precluded from taking their child to daycare or to the hospital. I think that this circumstance is left out. So, "a family member" would cover everything. In Section C on line 12 it asks for a signed affidavit. I don't think that most parents are going to track that, and yet they are going to be required document saying they did in order to get a license. I don't like the message that potentially sends to kids if the parents actually didn't track all of those conditions. I would think that six months of supervised driving would be sufficient to cover fifty hours. I would like to remove that.

**Representative Louser moved the amendments. (Vote sheet #4b.)**

**Representative Hogan:** I have a granddaughter in Texas. They have a simple form that does document those fifty hours. It worked quite well with that process. I would resist the motion because I have seen it work very well.

**Vice Chairman Weiler** seconded the motion.

**Chairman Ruby** clarified the amendment: Remove Subsection C, and on line 24 you want it to say "additional passengers are family members of the driver".

**Representative Gruchalla:** Is family member defined somewhere in statute? Does it include a second cousin, etc.?

**Representative Louser:** Perhaps I used the wrong term. I was just looking at the circumstances where a sixteen year old is a mother and should be able to take their child places.

**Representative Hogan:** Perhaps it should be an immediate family member, which would be more clarifying.

**Chairman Ruby:** Would that include a cousin?

**Representative R. Kelsch:** No, and it wouldn't include a guardian.

**Chairman Ruby:** That is covered in another area, I think.

**Representative Louser:** We could just add "or child".

**Vice Chairman Weiler:** Here we go again. The purpose of this is to include family members, so there are not six friends in the car. If an officer is going to pick someone up, and they had their second cousin in the car, who cares? If this bill passes, and becomes law, and two years from now the committee is back here trying to define family member because one time someone got stopped with a second cousin in the car.... Let's not go there. This is a decent amendment, you understand the purpose of it.

**Representative Delmore** asked again for clarification. She wondered if we should vote on the two parts separately.

**Vice Chairman Weiler** withdrew his second to the motion and asked that **Representative Louser** would consider taking them up in separate motions.

**Representative Louser** withdrew his motion.

**Representative Louser** moved the amendment to change line 24 to family member.

**Representative Hogan** seconded the motion.

**Representative R. Kelsch:** Cathy found in a section of code this definition for extended family member. It says: Includes a spouse, child, sibling, parent, grandparent, legal guardian, or custodian of a victim.

**A voice vote was taken and the motion carried. (Vote sheet #4c)**

**Representative Louser** moved the amendment to remove Section C on page 6 lines 12-16.

**Representative Vigesaa** seconded the motion.

Discussion took place about the enforceability of parents signing having to sign an affidavit. The feeling is that some parents will lie, but we should encourage parents to spend some time with their kids if they want them to be safer drivers. Currently the signature that is required by a parent is the parent authorizing the child to get a permit or license. The intent for the affidavit is when the parent signs, they will be verifying that they have completed 50

hours of time driving with their child, as well as, giving their authorization for the child to get a license.

**A voice vote was taken. The motion failed. (Vote sheet #5)**

**Representative Owens:** I want to go back to amendment .01001 that we were given at the hearing.

**Representative Owens moved the amendment. (Vote sheet #6.)**

**Representative Onstad seconded the motion.**

**A voice vote was taken and the motion carried.**

**Representative R. Kelsch** moved an amendment to put an electronic communications device ban in this HB 1256. (Add into Section 4)

**Representative Owens** seconded the motion.

**A roll call voice was taken. Aye 7 Nay 6 Absent 1 (Vote sheet #7)**  
**The motion carried.**

**Chairman Ruby** brought forward an additional amendment that was handed out by the Department of Transportation. Page 6 line 17, insert "if under sixteen years of age" and changing the capitalized Sucessfully to the lower case. He requested Glenn Jackson to explain this.

**Glenn Jackson:** Currently, if you are under sixteen age, to get a restricted operator's license, you have to complete drivers education. The intent was NOT to change that in the new system.

**Representative Hogan** moved the amendment.

**Representative R. Kelsch** seconded the amendment.

**A voice vote was taken. The motion carried. (Vote sheet #8)**

**Representative R. Kelsch:** I still think that it is dangerous for fifteen year olds to be driving these big trucks. We have been hearing all session about how dangerous the roads are in the western part of the state. I think 150 miles is long distance. This doesn't restrict where they can drive. Can they drive 75 mph on the interstate, or 65 mph on a highway? I am seriously thinking that it should be sixteen years of age.

**Representative Gruchalla:** The farm exemption was left in to make it palatable to the agricultural community. The numbers show that there really aren't that many kids that are driving these trucks. It is a small minority. Many states don't have the Ag. exemption.

**Chairman Ruby:** The motion is to go from fifteen to sixteen.

**Representative R. Kelsch** moved amendments.

**Representative Owens** seconded the motion.

**A voice vote was taken. The motion failed. (Vote sheet #9)**

**Chairman Ruby:** We have a multi-amended bill before us.

**Representative Gruchalla moved a DO PASS AS AMENDED on HB 1256.**  
**Representative Frantsvog seconded the motion.**

**Representative Weisz** voiced his stand on the bill and will not support it.

**Representative Gruchalla** repeated that we are the only state in the nation that doesn't have graduated driver's license bill. He stated that it is working. He will support it.

**Representative R. Kelsch** restated her concerns about the Ag. exemption.

**A roll call vote was taken. Aye 10 Nay 4 Absent 0 (Vote sheet #10)**

**The motion carried.**

**Representative Gruchalla will carry HB 1256.**

# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Transportation Committee Fort Totten Room, State Capitol

HB 1256  
02/11/2011  
Job 14429

☐ Conference Committee

Committee Clerk Signature

*Jeanette Cook*

Minutes:

Attachment #1

**Representative R. Kelsch** asked to have HB 1256 reconsidered. If we truly believe that safety is an issue for our youth, then leaving in a 150 mile exemption for farm kids to drive trucks is a big deal. It makes sense to limit that passage because 150 miles is a long way. If you want the bill passed, then Representative Weisz's amendments on the bill will give it the greatest chance of passage. I think that the best amendment on the bill is the one to limit telecommunications devices for anyone under age eighteen. Just as with using seatbelts as you grow up, if you grow up not using telecommunications devices, it will carry over into adult life.

**Chairman Ruby:** I feel that 150 miles is high. It could be tightened up some.

**Representative R. Kelsch** moved to reconsider the actions on HB 1256.  
**Representative Owens** seconded the motion.

**Representative Owens:** I really like the bill, and I am concerned about the bill's passage on the floor. The 150 miles is a federal exemption and has been around a long time, but that bothers me less than losing it all on the floor because of the intermediate level. I would really like to see it pass.

**Chairman Ruby:** I support kids having more time to be trained how to drive. That is why I support the bill. I would have supported it with Representative Weisz's amendments.

**A voice vote for reconsideration was taken. The motion carried. (Vote sheet #1)**

**Representative R. Kelsch:** What would seem to be reasonable as far as the number of miles? I have a concern about allowing 150 miles.

**Representative Weisz:** I offered my amendments because there are too many different things to address in the intermediate phase. I will not support the bill on the floor the way it is. I will support the bill if we eliminate the intermediate phase. We need to make them learn how to drive. See attachment #1.

**Chairman Ruby:** How would your amendment have allowed the time, six months versus twelve months?

is. I will support the bill if we eliminate the intermediate phase. We need to make them learn how to drive. See attachment #1.

**Chairman Ruby:** How would your amendment have allowed the time, six months versus twelve months?

**Representative Weisz:** It will extend the time when a teen can get a license, from 14 ½ to 15. They will have to have a twelve month permit under all the conditions that are listed. They have to take in classroom training and certify that they have 50 hours of driving. Those things are already in the bill. We have seen data that most kids are at age 16 when they get their license now. If they are 16 when they get their license, they are not under the restrictions in the intermediate phase. I am fine with the idea of restricting all telecommunications devices until they are eighteen. It teaches them a habit that they will have the rest of their lives.

**Representative Delmore:** How do those amendments strengthen what we have now for young drivers, if we remove all those parts?

**Representative Weisz:** It changes the driving time from six months to twelve months with their permit. They have to have successfully completed a driver's education course. They have to drive under all conditions, for example: in a city, on gravel roads, at night, etc.

**Representative Delmore:** What are we doing with the communications device in your amendment and the 50 hour requirement?

**Representative Weisz:** Representative R. Kelsch's amendment will prohibit all electronic devices for anyone under age eighteen except in the case of an emergency.

**Representative R. Kelsch:** If an officer sees a phone up to an ear, it is a violation of the law. It may be more difficult to detect texting. I think having a complete ban on electronic devices is the smarter way to go.

**Representative Heller:** Last session this bill passed out of committee, but we did lose it on the floor. I am concerned that will happen again.

**Representative Sukut:** I have some concerns with the 150 miles also. I think that a fifteen year old getting into a big truck and driving it into Minot is stretching it too far. Farm to field or field to farm, that is normal and reasonable. I don't know how far it should be. I am concerned that by pulling the intermediate phase out of the bill that it is too watered down, and that some of the driving experience is eliminated, which is the intent of the whole bill.

**Representative Heller:** What part of the driving would be left out with Representative Weisz's amendment? I thought that the 50 hours is still in the bill.

**Representative Sukut:** As I understand it, the 50 hours is still there, but in the first phase the driver has to have a supervisor with them all the time. In the second phase the driver still has a restricted license; they can only drive with one teenager or siblings. They have

an additional six months of a restricted license before they finally get an unrestricted license. I still think that part is important.

**Representative Onstad:** For the committee's information, in the exemption, the restriction of under 50,000 pounds limits the drivers to a tandem axle truck. It would not allow a semi-truck. I think that changing the age to 16 and limiting the miles to 50 miles would really cover it. The drivers would have to stay close to their general trade area. I agree with Representative Sukut that to start modifying the rest of the bill would take away the intent of a graduated driver's license bill. We have three issues: the electronic devices, the intermediate part, and the distance. I hope that we won't combine all three.

**Representative Onstad moved an amendment** to change page 7 line 6 to "at least 16 years of age" and line 9 omit "100" and change it to 50 miles.

**Representative Weisz:** There are a lot of people that wouldn't consider the changes in this bill near enough. We changed things in 2001, and it had a beneficial effect. Kids are aware that they have to pay attention to the law because if they get six points, they will lose their license. There seems to be the tendency to think that if we don't do all of this, we won't accomplish anything. We can ask for it all and lose it, or take a step and see what beneficial effects it will have.

**Representative Hogan:** The intermediate phase is the section that has a limit on kids in the car and the times issue. I think those are important variables. I think that as we tinker with this bill, you need to remember the many groups that worked on it the last two years. I think this is a very basic step to get a graduated driver's license bill. The intermediate phase is an important phase, and we should be respectful of the work many groups did on this project.

**Representative R. Kelsch:** I think that it is our job as legislators, if we believe in the legislation, to make sure the bill is in the best shape that it can be, so it passes on the floor.

**Chairman Ruby:** **Representative Onstad made a motion** to change page 7 line 6 to "at least 16 years of age" and line 9 omit "100" and change it to 50 miles.

**Representative Delmore seconded the motion.**

**Representative R. Kelsch:** Why was 50 miles chosen instead of field to farm?

**Representative Onstad:** I chose 50 because it was thinking in western North Dakota it should cover anywhere they need to go. If you say farm to market....

**Representative R. Kelsch:** I said field to farm not farm to market.

**Representative Onstad:** Not everything goes from the field to the farm in storage. If there is an opening at the elevator, it goes directly from the field to market. That is why I chose 50 miles; it seemed to fit better.

**Representative Frantsvog:** I think that this language goes beyond farm to market and field to farm. As an example, during a drought year one farmer that lives by the South Dakota border had to go to the Fessenden area to cut hay.

**A voice vote was taken on the amendment. The motion failed. (Vote sheet #2)**

**Representative R. Kelsch:** I would still like it to be "field to farm".

**Chairman Ruby:** There are some issues with the definition. Grain will not always go from the field to the farm because the farm does not always have the storage capacity. Kids are driving into town with trucks, and that is the intent.

**Representative Weisz:** There is some language that says something like, "from the field to the first point of storage".

**Representative Vigesaa:** You are just narrowing this down to hauling product. There are a lot of farm activities that will be outside that activity. I know of farmers that have land that they farm in excess of 50 miles from their home. There are many instances where grain is hauled from a field to a terminal more than 75 miles away.

**Representative R. Kelsch:** What does the current law say?

**Chairman Ruby:** It says 150 miles.

**Representative Vigesaa:** That is currently in law, and the groups that put this bill together intentionally left that in with the hope that it would help the bill pass.

**Chairman Ruby:** I felt good about the way the bill came out yesterday. I think we passed what was intended by the groups that worked on this all summer. The exemption is problematic for me too. It is frustrating that the 150 miles is left in to eliminate the criticism from the Ag. legislators, but they still don't support the bill.

**Representative R. Kelsch:** Urban legislators voted against the bill last session because the 150 miles was in the bill. There were arguments against it on the floor last session.

**Representative Weisz moved the amendments .01002.**

**Representative Delmore:** Would you be willing to do something with the night-time? (Trouble with the recording system. Inaudible.)

**Representative Weisz:** I understand the issue with the late night time. Did we amend that to "after 9:00 PM or sunset", whichever is later and still 5:00 AM?

**Chairman Ruby:** That is correct.

**Representative Delmore:** I think the statistics on the night component are overwhelming, and it is very important.



**Representative Weisz:** I am not opposing adding something, but I will not make the motion.

**Representative R. Kelsch seconded Representative Weisz's amendments.**

**Chairman Ruby** reviewed his position on the bill and will support the amendment with some reservations. He wants the bill to pass.

**A roll call vote was taken. Aye 7 Nay 7 Absent 0 The motion failed. (Vote sheet #3)**

**Representative Delmore:** I understand what people are saying, but I am afraid that if all we do is the one set of amendments, we really haven't increased the safety of our kids. I think there needs to be more teeth in it. My biggest concern is the nighttime driving. If that can be added, I would be willing to support it.

**Representative Delmore moved Representative Weisz's amendments with the nighttime restriction between the age of 15 and 16.**

**Representative R. Kelsch seconded the motion.**

**Representative Delmore:** This may be the best compromise we can get. Some people are not going to vote for it no matter what. This provision is very important, and the statistics prove it.

**A roll call vote was taken on the amendments. Aye 8 Nay 6 Absent 0  
The motion carried. (Vote sheet # 4)**

**Representative Sukut moved a DO PASS as amended on HB 1256.  
Representative R. Kelsch seconded the motion.**

**A roll call vote was taken. Aye 9 Nay 5 Absent 0 (Vote sheet #5)  
The motion carried.  
Chairman Ruby will carry HB 1256.**

**FISCAL NOTE**  
Requested by Legislative Council  
03/22/2011

Amendment to: HB 1256

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides changes to the licensing program for 14 - 15 year old drivers.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This bill as amended will have no fiscal impact.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Shannon L. Sauer	Agency:	NDDOT
Phone Number:	328-4375	Date Prepared:	03/23/2011

## FISCAL NOTE

Requested by Legislative Council  
01/12/2011

Bill/Resolution No.: HB 1256

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$5,000		
Appropriations				\$5,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for a graduated licensing program and changes how licenses are issued for 14 - 17 year old drivers.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 2 states the director may issue a Class D operator's license with intermediate conditions.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

NDDOT would incur \$5,000 for minor IT system modifications.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

NDDOT would incur \$5,000 for minor IT system modifications.

Name:	Glenn Jackson	Agency:	NDDOT
Phone Number:	328-4792	Date Prepared:	01/12/2011

#1 2/10

DRAFT  
PROPOSED AMENDMENT TO HOUSE BILL NO. 1256

Page 6, line 26, replace "hours of" with "later of sunset or"

Page 6, line 26, after "unless" insert "a parent, legal guardian, or adult is in the front seat of the motor vehicle or"

Renumber accordingly

Roll Call Vote #: 7

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION \_\_\_\_\_ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken    ☐ Do Pass    ☐ Do Not Pass    ☐ Amended    ☒ Adopt Amendment

☐ Rerefer to Appropriations    ☐ Reconsider

Motion Made By J. Delmore, Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

*Handwritten note:* All are passed

	Yes	No
Total	10	10

Absent

## Floor Assignment

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

Amendment  
#1

Date:

Roll Call Vote #:

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO.

House TRANSPORTATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken      ☐ Do Pass    ☐ Do Not Pass    ☐ Amended    ☒ Adopt Amendment

☐ Rerefer to Appropriations    ☐ Reconsider

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total	(Yes)	No
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Absent

## Floor Assignment

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

Amend.  
p. 6  
line 28  
add "emergency"

Date:

2/10/11

Roll Call Vote #:

3

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256House TRANSPORTATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

☐

Do Pass

☐

Do Not Pass

☐

Amended

☒

Adopt Amendment

☐

Rerefer to Appropriations

☐

Reconsider

Motion Made By

R. Weisz

Seconded By

R. Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby		X	Representative Delmore		X
Vice Chairman Weiler		X	Representative Gruchalla		X
Representative Frantsvog		X	Representative Hogan		X
Representative Heller		X	Representative Onstad		X
Representative R. Kelsch	X				
Representative Louser		X			
Representative Owens	X				
Representative Sukut		X			
Representative Vigasaa	X				
Representative Weisz	X				

Total (Yes)

4

No

10

Absent \_\_\_\_\_

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

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

#2 Amendments with R. Kelsch's addition for ~~texting~~ elec. devices prohib. up to 18

*just suggestion*

Date: 2/10/11

Roll Call Vote #: 40

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Heller Seconded By \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

*action*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

*Amend. to  
change  
time to 10:30 PM  
from 9:00 PM*



Date: 2/10/11

Roll Call Vote #: 4b

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S. Louser Seconded By removed

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

*S. Louser*  
*change - family members*  
*delete Sect. C*

Roll Call Vote #: 40

BILL/RESOLUTION NO. 256

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken      ☐ Do Pass    ☐ Do Not Pass    ☐ Amended    ☒ Adopt Amendment

☐ Rerefer to Appropriations      ☐ Reconsider

Motion Made By Sclover Seconded By K. Hogan

[illegible]

Total	(Yes)	No
-------	-------	----

Absent

## Floor Assignment

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

Change  
line 24  
to saw  
members  
& remove  
siblings... etc

Date: 2-10-11

Roll Call Vote #: 5

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S. Louser Seconded By Vigesaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigesaa					
Representative Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

Delete  
Section C  
p-6  
lines 12-16

11.0509.01001  
Title.

Prepared by the Legislative Council staff for  
Senator Olafson

January 24, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1256

Page 7, line 3, replace "or" with an underscored comma

Page 7, line 3, after "guardian's" insert ", grandparent's, sibling's, aunt's, or uncle's"

Renumber accordingly

Date: 2/10/11  
Roll Call Vote #: 6

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Owens Seconded By Onstad

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigesaa					
Representative Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

*Owens  
01001*

Date: 2/10/11Roll Call Vote #: 7

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By R. Kelsch Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby		X	Representative Delmore	X	
Vice Chairman Weiler		X	Representative Gruchalla	X	
Representative Frantsvog		X	Representative Hogan	X	
Representative Heller		X	Representative Onstad		X
Representative R. Kelsch	X				
Representative Louser		X			
Representative Owens	X				
Representative Sukut	X				
Representative Vigasaa	X				
Representative Weisz					

Total (Yes) 7 No 6Absent 1

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

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

57min.

add: prohibiting  
 electronic  
 comm. devices.  
 p. 6. line 29  
 (any driver  
 under 18) Sec. 4

Date: 2/10/11

Roll Call Vote #: 8

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Hogan Seconded By R. Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

*Amend.  
p. 6  
line 17  
DOT*

Date: 12/10/11

Roll Call Vote #: 9

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. BSC

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Kelsch Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

(1:03)  
15 to 16  
farm  
trucks



Date: 12/10/11Roll Call Vote #: 10

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Gruchalla Seconded By Frantsvog

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler		X	Representative Gruchalla	X	
Representative Frantsvog	X		Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch		X			
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa		X			
Representative Weisz		X			

Total (Yes) 10 No 4Absent 0Floor Assignment Gruchalla

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

Date: 2-11-11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☒ Reconsider

Motion Made By R. Kelsch Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

Date: 2-11-11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Onstad Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

P. 7. fine  
6  
15 to 16  
fine 9  
Strike 100

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1256

Page 1, line 4, replace the first comma with "and"

Page 1, line 4, replace ", 39-06-14," with "and "

Page 1, line 4, remove ", 39-06-36, subsection 3 of section 39-06-42,"

Page 1, line 5, remove "section 39-06-43, subsection 1 of section 39-06.1-08, and subsection 3 of section 39-06.1-11"

Page 1, line 19, remove the overstrike over "~~or license~~"

Page 1, line 19, after "in" insert "under"

Page 1, line 19, remove the overstrike over "~~sections~~"

Page 1, line 19, remove "under section"

Page 1, line 20, remove the overstrike over "~~and 39-06-17~~"

Page 1, line 20, remove "and the"

Page 1, remove line 21

Page 1, line 22, remove "section 39-06-14 to a person who is less than sixteen years of age"

Page 3, remove lines 9 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 13

Page 8, line 26, remove the overstrike over "~~A restricted operator's license or permit to operate the parent's or guardian's~~"

Page 8, remove the overstrike over lines 27 through 31

Page 9, remove the overstrike over lines 1 through 7

Page 9, line 8, remove the overstrike over "{4}"

Page 9, line 8, after "Completed" insert "Successfully completed an approved driver's education course that includes"

Page 9, line 8, remove the overstrike over "~~a course of classroom instruction and a course of~~"

Page 9, remove the overstrike over lines 9 through 11

Page 9, after line 11, insert:

"e. The child has accumulated a minimum of fifty hours of supervised, behind-the-wheel driving experience in various driving conditions and situations that include night driving; driving on gravel, dirt, or aggregate surface road; driving in both rural and urban conditions; and driving winter conditions."

Page 9, remove the overstrike over lines 12 through 19

Page 9, line 20, remove the overstrike over "4."

Page 9, line 24, remove the overstrike over "5."

Page 9, line 24, remove "4."

Page 9, line 26, remove the overstrike over "~~other than restrictions imposed under subsection 6~~"

Page 10, remove the overstrike over lines 6 through 14

Page 10, remove lines 15 through 30

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 20

Page 12, line 24, remove "or class D operator's license with intermediate"

Page 12, line 25, remove "conditions"

Page 12, remove lines 26 through 30

Page 13, remove lines 1 and 2

Renumber accordingly

Date: 2-11-11Roll Call Vote #: 3

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Weisz Seconded By Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore		X
Vice Chairman Weiler		X	Representative Gruchalla		X
Representative Frantsvog		X	Representative Hogan		X
Representative Heller	X		Representative Onstad		X
Representative R. Kelsch	X				
Representative Louser		X			
Representative Owens	X				
Representative Sukut	X				
Representative Vigasaa	X				
Representative Weisz	X				

Total (Yes) 7 No 7Absent 0

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

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

Amend.  
01002

Date: 2-11-11Roll Call Vote #: 4

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256House TRANSPORTATION Committee☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Delmore Seconded By R A Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler		X	Representative Gruchalla		X
Representative Frantsvog		X	Representative Hogan		X
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser		X			
Representative Owens	X				
Representative Sukut	X				
Representative Vigasaa		X			
Representative Weisz	X				

Total (Yes) 8 No 6Absent 0

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

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

*add  
night  
restriction*

VK  
2/16/11  
1063

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1256

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, replace "a" with "b"

Page 1, line 2, after "39-06.1-10" insert ", and a new section to chapter 39-08"

Page 1, line 3, remove "definitions and"

Page 1, line 3, after "points" insert "and using an electronic communication device"

Page 1, line 4, replace the first comma with "and"

Page 1, line 4, remove "39-06-14,"

Page 1, line 4, remove "39-06-36, subsection 3 of section 39-06-42,"

Page 1, line 5, replace "section 39-06-43, subsection 1 of section 39-06.1-08, and subsection 3 of section 39-06.1-11" with "and 39-06.1-09"

Page 1, line 6, after "license" insert "and a moving violation"

Page 1, line 19, remove the overstrike over "or license"

Page 1, line 19, after "in" insert "under"

Page 1, line 19, remove the overstrike over "sections"

Page 1, line 19, remove "under section"

Page 1, line 20, remove the overstrike over "~~and 39-06-17~~"

Page 1, line 20, remove "and the"

Page 1, remove line 21

Page 1, line 22, remove "section 39-06-14 to a person who is less than sixteen years of age"

Page 3, remove lines 9 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 13

Page 8, line 26, remove the overstrike over "~~A restricted operator's license or permit to operate the parent's or guardian's~~"

Page 8, remove the overstrike over lines 27 through 31

Page 9, remove the overstrike over lines 1 through 7



Page 9, line 8, remove the overstrike over "{4}"

Page 9, line 8, after "Completed" insert "Successfully completed an approved driver's education course that includes"

Page 9, line 8, remove the overstrike over "a course of classroom instruction and a course of"

Page 9, remove the overstrike over lines 9 through 11

Page 9, after line 11, insert:

"e. The child has accumulated a minimum of fifty hours of supervised, behind-the-wheel driving experience in various driving conditions and situations that include night driving; driving on gravel, dirt, or aggregate surface road; driving in both rural and urban conditions; and winter driving conditions."

Page 9, remove the overstrike over lines 12 through 19

Page 9, line 20, remove the overstrike over "4:"

Page 9, line 24, remove the overstrike over "5:"

Page 9, line 24, remove "4."

Page 9, line 26, remove the overstrike over "~~other than restrictions imposed under subsection 6~~"

Page 10, remove the overstrike over lines 6 through 14

Page 10, after line 14, insert:

"c. An individual holding a restricted driver's license driving a motor vehicle may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

d. An individual holding a restricted driver's license may not operate a motor vehicle between the later of sunset or nine p.m. and five a.m. unless a parent, legal guardian, or an individual eighteen years of age or older is in the front seat of the motor vehicle or the motor vehicle is being driven directly to or from work, an official school activity, or a religious activity."

Page 10, remove lines 15 through 30

Page 11, remove lines 1 through 31

Page 12, replace lines 1 through 20 with:

**"SECTION 5. 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, section 7 of this Act, 39-09-04.1, 39-09-09, subsection 1 of section 39-12-02, sections 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08."

Page 12, line 21, replace "a" with "b"

Page 12, line 24, remove "or class D operator's license with intermediate"

Page 12, remove lines 25 through 30

Page 13, replace lines 1 and 2 with:

"**SECTION 7.** A new section to chapter 39-08 of the North Dakota Century Code is created and enacted as follows:

**Use of an electronic communication device by minor prohibited.**

An individual at least sixteen and under eighteen years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger."

---

Renumber accordingly

Date: 2-11-11Roll Call Vote #: 5

## 2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1256House TRANSPORTATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By

Sukut

Seconded By

RA Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler		X	Representative Gruchalla	X	
Representative Frantsvog		X	Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch	X				
Representative Louser		X			
Representative Owens	X				
Representative Sukut	X				
Representative Vigasaa		X			
Representative Weisz		X			

Total (Yes) 9 No 5Absent 0Floor Assignment Ruby

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

**REPORT OF STANDING COMMITTEE**

**HB 1256: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, replace "a" with "b"

Page 1, line 2, after "39-06.1-10" insert ", and a new section to chapter 39-08"

Page 1, line 3, remove "definitions and"

Page 1, line 3, after "points" insert "and using an electronic communication device"

Page 1, line 4, replace the first comma with "and"

Page 1, line 4, remove "39-06-14,"

Page 1, line 4, remove "39-06-36, subsection 3 of section 39-06-42,"

Page 1, line 5, replace "section 39-06-43, subsection 1 of section 39-06.1-08, and subsection 3 of section 39-06.1-11" with "and 39-06.1-09"

Page 1, line 6, after "license" insert "and a moving violation"

Page 1, line 19, remove the overstrike over "~~or license~~"

Page 1, line 19, after "in" insert "under"

Page 1, line 19, remove the overstrike over "~~sections~~"

Page 1, line 19, remove "under section"

Page 1, line 20, remove the overstrike over "~~and 39-06-17~~"

Page 1, line 20, remove "and the"

Page 1, remove line 21

Page 1, line 22, remove "section 39-06-14 to a person who is less than sixteen years of age"

Page 3, remove lines 9 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 13

Page 8, line 26, remove the overstrike over "~~A restricted operator's license or permit to operate the parent's or guardian's~~"

Page 8, remove the overstrike over lines 27 through 31

Page 9, remove the overstrike over lines 1 through 7

Page 9, line 8, remove the overstrike over "(1)"

Page 9, line 8, after "~~Completed~~" insert "Successfully completed an approved driver's education course that includes"

Page 9, line 8, remove the overstrike over "~~a course of classroom instruction and a course of~~"

Page 9, remove the overstrike over lines 9 through 11

Page 9, after line 11, insert:

"e. The child has accumulated a minimum of fifty hours of supervised, behind-the-wheel driving experience in various driving conditions and situations that include night driving; driving on gravel, dirt, or aggregate surface road; driving in both rural and urban conditions; and winter driving conditions."

Page 9, remove the overstrike over lines 12 through 19

Page 9, line 20, remove the overstrike over "4."

Page 9, line 24, remove the overstrike over "5."

Page 9, line 24, remove "4."

Page 9, line 26, remove the overstrike over "~~other than restrictions imposed under subsection 6~~"

Page 10, remove the overstrike over lines 6 through 14

Page 10, after line 14, insert:

"c. An individual holding a restricted driver's license driving a motor vehicle may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger."

d. An individual holding a restricted driver's license may not operate a motor vehicle between the later of sunset or nine p.m. and five a.m. unless a parent, legal guardian, or an individual eighteen years of age or older is in the front seat of the motor vehicle or the motor vehicle is being driven directly to or from work, an official school activity, or a religious activity."

Page 10, remove lines 15 through 30

Page 11, remove lines 1 through 31

Page 12, replace lines 1 through 20 with:

**"SECTION 5. 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, section 7 of this Act, 39-09-04.1, 39-09-09, subsection 1 of section 39-12-02, sections 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08."

Page 12, line 21, replace "a" with "b"

Page 12, line 24, remove "or class D operator's license with intermediate"

Page 12, remove lines 25 through 30

Page 13, replace lines 1 and 2 with:

"**SECTION 7.** A new section to chapter 39-08 of the North Dakota Century Code is created and enacted as follows:

**Use of an electronic communication device by minor prohibited.**

An individual at least sixteen and under eighteen years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger."

Renumber accordingly

2011 SENATE TRANSPORTATION

HB 1256

## 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Transportation Committee**  
Lewis and Clark Room, State Capitol

HB 1256  
March 18, 2011  
15686

☐ Conference Committee



### **Explanation or reason for introduction of bill/resolution:**

Relating to demerit points using an electric communication device; relating to a graduated operator's license and a moving violation.

### **Minutes:**

*Written testimony*

**Chairman Senator G. Lee** opened the hearing on Engrossed HB 1256.

**Representative Keiser**, District 47, introduced HB 1256. He said that he was proud to be the prime sponsor of this bill. He stated that 49 states have passed bills similar to this bill. The bill is a graduated license bill. The House took out the intermediate step that was in the original bill but it still does contain the class D license, limits the use of electron devices, requires 50 hours of supervised driving and limits the ability to drive between sunset or 9 pm, whichever occurs earlier, to 5 am in the morning. The data is clear and consistent that graduated drivers license programs have many positive outcomes; significant reductions in fatalities, number of accidents and he assumes, reductions in premiums because of a reduction in the frequency and severity of accidents that have occurred as a result of the graduated licenses.

**Representative Gruchalla**, District 45, testified in support of HB 1256. When they first started working on this bill, his biggest push was to extend the period for the permit. He believed that six months was not a long enough time for a new, fourteen year old driver to experience all the different weather conditions and road conditions that we have in ND. He said that the engrossed bill is not a graduated driver's license because it wouldn't meet the qualifications because the House amended out the six months of the graduated period with the restrictions. However this bill still has many of the things that he feels are important and he extended his support of the bill.

**Adam Hamm**, North Dakota Insurance Commissioner, testified in support of Engrossed HB 1256. Written testimony #1

**Senator Lee** asked what impact this will have on the insurance industry and private insurance rates.



**Commissioner Hamm** replied that 49 states have GDL systems in place. A number of those states have been able to study whether or not the system has been effective. Unanimously, what those state have found is a substantial reduction of crashes and fatalities on the order of 20 to 40 % for teen drivers. He said reducing the amount of crashes and claims should help keep premiums low and reduce premiums across the board. A bigger issue is the public safety issue.

**Senator Lee** asked if this will affect North Dakotan's rates.

**Commissioner Hamm** said that it is clear that if a full GDL system was put in place in ND, we could expect to see the same reduction in crashes and injuries that other states have seen and this could help reduce auto insurance premiums in ND.

**Glenn Jackson**, Director of the Drivers License Division in the Department of Transportation, explained the bill and testified in support of Engrossed HB 1256. Written testimony #2

**Senator Nodland** asked how they are going to measure the 50 hours of supervised driving.

**Mr. Jackson** replied that when the parents come in with the teen for their drivers test, they will be asked to sign something that says the teen has had 50 hours of supervised driving.

**Senator Mathern** asked if he had any change request for this bill.

**Mr. Jackson** replied, no.

**Senator Sitte** asked if IPODs are included in that technology.

**Mr. Jackson** doesn't know how that would be interpreted.

**Senator Nething** asked why they didn't require evidence of completion of those 50 supervised hours of driving.

**Mr. Jackson** replied that one of the reasons is that mandating people to keep a log book could be burdensome for the parent but also for the DOT in the processing. We have always depended on parents or legal guardians in the past. We will provide them with a booklet and this booklet will include parental guidance on how to drive with your child, how to teach your child on the road, aggressive driving, etc. It will also have a log book in it.

**Senator Lee** asked a question on section 6 about the 2 points lost.

**Mr. Jackson** replied that the 2 point reduction was in the instruction permit phase but not for the class D restricted operator's license phase.

**Colonel Prochniak**, Highway Patrol, testified in support of Engrossed HB 1256. They support anything that will increase public safety.

**Senator Nodland** asked how they would identify young teen drivers that are driving illegally after sunset or 9:00 pm.

**Colonel Prochniak** said they would base enforcement off a behavioral offense, meaning, treat it as a secondary.

**Senator Nething** asked if they were satisfied that this bill is comparable to other states.

**Colonel Prochniak** said that the bill has a lot of the aspects of what other states have implemented in their laws when it comes to GDL. The intermediate phase was amended out but this bill has many positive steps in it.

**Senator Lee** asked that if you live in a smaller community and you know the teen and he is not following the law, would you wait for the behavior offense to enforce the law.

**Colonel Prochniak** said that if the officer has personal knowledge, the officers can make a stop otherwise they wouldn't stop them unless there was another reason for the traffic stop.

**Senator Nething** questioned why the effective date is later.

**Glenn Jackson** said that would give DOT time to roll out the system effectively.

**Linda Butts**, Deputy Director for Driver and Vehicle Services, testified in support of this legislation. Written testimony #3

**Glenn LaDoucer**, AAA North Dakota testified in support of HB 1256. Written testimony #4

**Senator Lee** asked if a parent decides not to have their child get a permit until they are fifteen or sixteen, what the rules are for them.

**Mr. LaDoucer** said that is where this engrossed bill differs from the original. The original bill had an intermediate level and the engrossed bill doesn't. When they obtain their permit at age fifteen they will continue to hold their permit for a year until they turn sixteen. But if you are 15 ½, you would only have to have the permit 6 months because at sixteen you can get your license. You will still have the 50 hours of driving at 15 and no electronic communications device use until 18 years of age. At fifteen there would be no driving between sunset or 9 PM, whichever is later and 5 AM. Exceptions would be work, school, religious activity, or with adult in vehicle.

**Richard Ott**, Executive Director of the North Dakota Head Injury Association testified in support of HB 1256. Written testimony 5

**Dale Haake**, Nodak Mutual Insurance, testified in support. He said that he has seen countless accidents involving young drivers and quite often the accidents were the result of lack of skill and experience. This bill gives young people an opportunity to gain those skills. It allows them to drive under different weather conditions, and more time to develop judgment and skills.

**Sandy Clark**, ND Farm Bureau, testified in support of Engrossed HB 1256. She said that they opposed the original bill on the House side. She said that they appreciate the efforts on the House side to amend this bill. She explained Farm Bureau and Nodak's safety program for teen drivers that they call Route 1000. She said that they haven't supported some of the provisions in the original bill because they feel it is up to the parents to determine when their child is mature and responsible enough to drive. In engrossed HB 1256 they would like to maintain the ability for their teenagers to drive without adult supervision at the age of 14 ½. They also think the sunset or 9 pm is too early and would like the committee to consider midnight to 5 AM. They also suggested that they add back the provision that says no more than one passenger in a vehicle driven by a teen that is not a family member. They support this bill with the changes.

**Senator Nodland** asked why they want to go to 14 ½.

**Ms. Clark** said that the members put this policy in place and they maintain that position.

**Senator Oehlke** asked what was going on between 9 and midnight.

**Ms. Clark** said there are other times they may need to pick up a sibling from town.

**Senator Nething** asked if we shouldn't be considering the other people on the road.

**Ms. Clark** referenced the Route 1000 teen program where they talk about defense driving.

**Senator Nodland** asked if she had any statistics of rural teen accidents between 9 pm and midnight.

**Ms. Clark** said she didn't have any statistics but she said that they talk a lot about teen accidents in rural areas and she would maintain that the statistics would probably show that there are a higher amount of adult fatalities in rural areas also.

**Pat Ward**, State Farm Insurance, testified in strong support of a graduated driver's license program. He gave the committee data for 16 year old driver nighttime crashes. The data supports having the nighttime driving law in place for teens. Also stated that he believed the IPOD is addressed in the bill. Attachment #6

**Senator Sitte** asked how many 14, 15, and 16 year olds accidents' involved alcohol.

**Mr. Ward** replied that it is not as many as you would think. In that age group the reason is usually lack of experience.

**Senator Lee** asked if the consumer was going to see some reduction in premium if this is passed.

**Mr. Ward** said that if we can eliminate accidents and fatalities it should affect our premium rates.

**Paula Bartsch**, a mom from Casselton who lost her son in an accident in August, 2007 testified in support of HB 1256. She gave a personal account of her family's story and truly believes if young teens get more experience that there will be less tragic accidents like the one involving her son Ryan. She passed around pictures of Ryan. Written testimony # 7

**Representative Kaiser**, District 47 and prime sponsor of the HB 1256 explained the amendments and what they took out of the original bill. He also addressed the question on what will this do to premiums. If it reduces the accidents and fatalities there should be reductions.

**Dennis Burdolski**, Bismarck, ND, testified in support of HB 1256. Mr. Burdolski lost his daughter, who died as a passenger in a vehicle driven by a 15 year old. Written testimony #8

**Rhonda Boehm**, mom from McClusky, ND testified in support of HB 1256. She told her family's personal story of her son who was severely injured in a vehicle accident at the age of 14. Written testimony #9

**Carrie Sandstrom**, student and member of SADD, testified in support of HB 1256. Written testimony #10

**Terry Weaver**, parent of two teens, testified in support. She said that this bill would help eliminate the peer pressure that parents are dealing with.

**Senator Nething** asked Glenn Jackson why the date of implementation is delayed.

**Glenn Jackson** replied that the delayed date was based on the original bill with the intermediate level in it. With the bill in its engrossed form, the date could be pulled back and put into effect at the sooner date.

**Senator Nodland's** question was on the multiple youth in vehicles with teen drivers.

**Ms. Jackson** replied that the original bill was limited to one passenger that was not family. He explained this part of the original bill.

**Discussion followed** on the original bill versus the engrossed version.

**Opposing testimony**

**Becky Reich**, a dairy farmer and mother of eight testified in opposition to HB 1256. Written testimony #11

**Senator Mathern** asked if she thought about this from the perspective of other families. He wondered if she had ever thought of this bill as a way to protect her family from other people who aren't as responsible. This law is a restriction for other families so they aren't sending young drivers out unprepared.

**Ms. Reich** replied that parents can say no and that we shouldn't have to pass legislation to tell parents to say no.

**Al Braaten** from Richland County testified in opposition. He stated that this bill would make restriction on things like driving to 4-H because that does not fall into the category of work, school or religion.

**Bill Ongstad**, Harvey, ND testified in opposition. Written testimony #12

**Senator Lee** closed the hearing on HB 1256.

# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Transportation Committee**  
Lewis and Clark Room, State Capitol

HB 1256  
March 31, 2011  
16245

☐ Conference Committee



**Explanation or reason for introduction of bill/resolution:**

**Minutes:**

*Committee Work/Action*

**Chairman Senator G. Lee** opened committee work on HB 1256 relating to demerit points using an electric communication device; relating to a graduated operator's license and a moving violation.

**Senator Nodland** said that he liked this bill. He did have some concern for the people that live in the country with the activities (page 5, lines 22-23), he wishes we could fix that up a little bit.

**Senator Oehlke** said that he was trying to figure out different language to also incorporate, boy scouts, girl scouts and youth activities that are important in a person's life that aren't officially school or religion activities.

**Senator Lee** referred to the testimony of the mom from Medina with piano lessons, 4-H etc.

**Senator Nething** doesn't know how we can come up with a blanket to take care of all the concerns. The idea is to try to make sure these young people become better drivers. He said that he didn't know where they would start to cover everything. He said that he didn't know what other states were doing. Another rural state would have the same problems.

**Senator Sitte** said that a phrase we could consider would be a parent approved activity. In general, she spoke against HB 1256. She thinks the insurance companies are doing wonderful things with incentives and training. In the testimony the Department of Transportation said that it was developing a booklet for parents and it is her understanding that they will develop that even if the bill doesn't pass. They are also going to launch a PR campaign against texting. She feels it is still a matter of parental discretion.

**Senator Oehlke** thought that the only insurance company, other than your discounts for being a good student is Farm Bureau Insurance (Nodak). They have a thousand dollar savings bond or certificate that they award to someone who stays accident free or violation free until they are a certain age. He said he liked the carrot approach but was concerned

that there weren't enough insurance companies doing this. Maybe as a state we could offer an incentive like a tuition type savings but he added that discussion is for another day.

**Senator Mathern** feels it is unfortunate that we have lost some of the features of the graduated driver's license that were in the original bill. He said that he would prefer they make it more restrictive than less restrictive.

**Senator Nodland** said that nationally, forty percent of causes of death in 14-17 year olds are in that bracket and thirty nine percent of motor vehicles crashes in North Dakota are in that bracket. He asked how we could ignore that. Insurance companies and even the Insurance Commissioner testified in support of HB 1256 and said it should reduce insurance rates but the main thing is safety. He stated that this is one area where we can do something about teenage deaths.

**Senator Sitte** pointed out that statistics can give you a skewed vision. She said that she would like to know the percentage of deaths nationally and in North Dakota in the age range of 18-21 or 21-24. Even though they are older you are still going to find similar percentages of young people dying from automobile accidents.

**Senator Nodland** replied that the numbers are from Linda Butt's testimony. In her testimony she also says that 14 and 15 year olds are proportionally involved in more crashes than any other age group.

**Senator Mathern** found it fascinating that much of the rural testimony was in support of less restrictions but that is where the children are dying. They aren't dying in auto accidents in Fargo; they are dying in rural areas. He stated that it is almost like we are sacrificing our rural children and he wants to save more rural children from death. "Kids are not dying driving on roads in Fargo, not very often."

**Senator Lee** injected a reminder of South University Drive in Fargo about a year ago.

**Senator Nething** moved a **Do Pass**.

**Senator Oehlke** seconded the motion.

Roll call vote: 4-2-0. **Motion passed.**

Carrier is **Senator Oehlke**.

Date: 3-31-  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. Eng 1258

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Nething Seconded By Senator Oehlke

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee		✓	Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte		✓			

Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Oehlke

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



**REPORT OF STANDING COMMITTEE**

**HB 1256, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)**  
recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1256 was placed on the Fourteenth order on the calendar.

**2011 TESTIMONY**

**HB 1256**

**HOUSE BILL NO. 1256**

**Presented by:** Adam Hamm  
Commissioner  
North Dakota Insurance Department

**Before:** House Transportation Committee  
Representative Dan Ruby, Chairman

**Date:** January 28, 2011

**TESTIMONY**

Good morning, Chairman Ruby and committee members. For the record, my name is Adam Hamm and I am North Dakota's Insurance Commissioner. I am here in support of House Bill No. 1256.

Two years ago almost to the day I stood before you in support of changes to our drivers licensing laws as they pertain to our young drivers. That bill came close to passage in the House. The bill before you, while similar in concept, is a different bill. During the interim a large group of interested parties formed the North Dakota Coalition for Graduated Driver Licensing\*. This diverse group of nearly 30 organizations took a look at both the concepts of a graduated licensing system and our current laws and came up with a bill draft based on parental input and common sense. The bill before you addresses many of the concerns that were brought up in the previous session.

Today you will hear testimony from many viewpoints: testimony from those responsible for public and traffic safety, testimony about a survey of North Dakota parents and their thoughts, testimony on what a GDL program in other states has achieved, testimony from those in the medical profession on the experiences and impacts of accidents, testimony from the insurance industry, testimony from individuals who have first hand personal knowledge of the impact of teen driving accidents, testimony from parents of teens, and testimony from other organizations in support of this change

In short, those who will testify after me will provide you with extensive detail with regard to findings, studies and statistics that clearly point to the positive impact that implementing a Graduated Driver Licensing system can have.

The primary goal of a Graduated Driver Licensing system is to Maximize Experience and to Minimize Risk for the novice driver. You will hear the phrase often today. It is my belief based on the experience that other states have had that enacting a Graduated Drivers Licensing system in North Dakota will reduce the number of automobile accidents, injuries and deaths in North Dakota. The bottom line is that the time has come for North Dakota to act in order to stop the waste of human life and resources.

Mr. Chairman and members of the committee, I urge your support of House Bill No. 1256. I am happy to attempt to answer any questions you have. Thank you.

- \* AAA North Dakota
- Altru Health System
- Association of North Dakota Insurers
- Children's Defense Fund—North Dakota
- Girl Scout Troop 30604
- Head Injury Association of North Dakota
- Indian Health Service
- Medcenter One
- North Dakota Academy of Family Physicians
- North Dakota Chapter, American Academy of Pediatrics
- North Dakota Council, Emergency Nurses Association
- North Dakota Department of Health
- North Dakota Department of Transportation
- North Dakota Driver and Traffic Safety Education Association
- North Dakota Highway Patrol
- North Dakota Hospital Association
- North Dakota Insurance Department
- North Dakota Medical Association
- North Dakota Safety Council
- Northern Lights SADD
- St. Alexius Medical Center
- Safe Kids Fargo/Moorhead
- Safe Kids Grand Forks
- Safe Kids North Dakota
- Safety Clan, Turtle Mountain Tribe
- Sanford Health
- State Farm Insurance
- Individual Parent and Safety Advocates

**HOUSE TRANSPORTATION COMMITTEE**  
**January 28, 2011 - 8:30 a.m. - Fort Totten Room**

**North Dakota Department of Transportation**  
**Glenn Jackson, Director, Drivers License Division**

**HB 1256**

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Mr. Chairman and members of the committee, I'm Glenn Jackson, Director of Drivers License Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

House Bill 1256 provides clarity on the permitting and licensing process for our youth aged fourteen through seventeen by creating a more formal Graduated Driver's License (GDL) program. It creates a space where they can learn more effectively how to safely operate a motor vehicle without the numerous distractions we all face as experienced drivers.

**Section 1:** provides a definition of an electronic communication device to clarify exactly the type of device referenced in this bill.

**Section 2:** gives the director the authority to issue a class D operator's license with intermediate conditions to someone less than sixteen years of age.

**Section 3:** contains several items that are pertinent to the permit phase of the GDL process. The new items are:

- Stipulating that a permit holder under sixteen years of age must complete twelve months of instruction prior to licensing.
- Reduces the use of electronic devices by the permit holder.

**Section 4:** designates the intermediate driving license. New items are:

- Provides for the intermediate license for individuals less than eighteen years of age. After eighteen there is no intermediate program.
- Provides for the submission of an affidavit from the individual seeking the license and the parent or guardian, that the individual has completed 50 hours of supervised driving in various road conditions.
- Provides for the completion of a driver's education course. The intent was to maintain the law as it currently exists. I have submitted an amendment to clarify this section.
- Establishes intermediate driving stipulations.
  - Limits the number of passengers to one, except if an adult is in the front seat or the additional passengers are siblings going to or from school.
  - Limits night time driving after 9 PM and before 5 AM, except that driving to or from work, an official school activity or religious activity may be accomplished.
  - Limits the use of electronic communication devices.
- Clarifies that the class D operator's license with intermediate conditions automatically converts to an unrestricted class D license upon conclusion of the intermediate phase. This will prevent the issuance of a new license.

**Section 5, 6, 7, 8, 9 and 11:** make modifications to point to changed statutes through this bill and renumber paragraphs in 39-06-43 and removes language that is pertinent to the GDL process as it is now included in the GDL changes.

**Section 10:** provides for a penalty for violation of the intermediate phase requirements.

If you will turn to the attachment to this testimony, we will walk through the chart that shows what is proposed to be changed and the items that do not change through this bill.

Thank you, Mr. Chairman, I would be happy to answer any questions.

	CURRENT POLICY	PROPOSED POLICY
<b>PHASE 1</b> <i>Learner's Permit</i> - Minimum Age = 14 Requires: Pass written & vision test Parent/legal guardian authorize	- Permits new drivers to drive when accompanied by a parent or adult 18 or older who has held license in like vehicle for three years - Complete drivers education if under 16 - Must hold permit for a minimum of six months	- No change - No change - 12 month learner period (6 months if 16 or older) - 50 hours supervised driving experience in varied conditions (gravel roads, winter weather conditions, nighttime, rural and urban roads) - No cell phone use (except for emergencies)
<b>PHASE 2</b> <i>Intermediate Class D License -</i> Min Age = 15	No current intermediate process	- Successfully complete permit phase - Pass road test - No cell phone use (except for emergencies) - Driving from 9 p.m. until 5 a.m. must be supervised (unless driving directly to/from work, school or religious activity) - No more than one teenage passenger (siblings exempt if driving directly to/from school)
<b>PHASE 3</b> <i>Unrestricted Class D License -</i> Minimum Age = 16	- Pass road test - Available starting after completion of six month learner permit - No limits on passengers or driving times	- Not required if completed in Phase 2 - Requires completion of intermediate phase - No change
<b>Farm Exemption</b>	- No exemption to licensing requirement - Class D holder aged 14/15 may operate farm vehicles less than 50,000 pounds * - Farm exemption for 16-17 year olds	- No change - May operate farm vehicles less than 50,000 pounds if 15 years of age - No change

\* Actual minimal license age 14 yr 6 mo.

**NOTE:** Intermediate phase lasts for twelve months from date of license issuance. However, at age 16 it only requires 6 months.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1256

Page 6, line 17, insert "If under sixteen years of age"

Page 6, line 17, replace "Successfully" with "successfully"

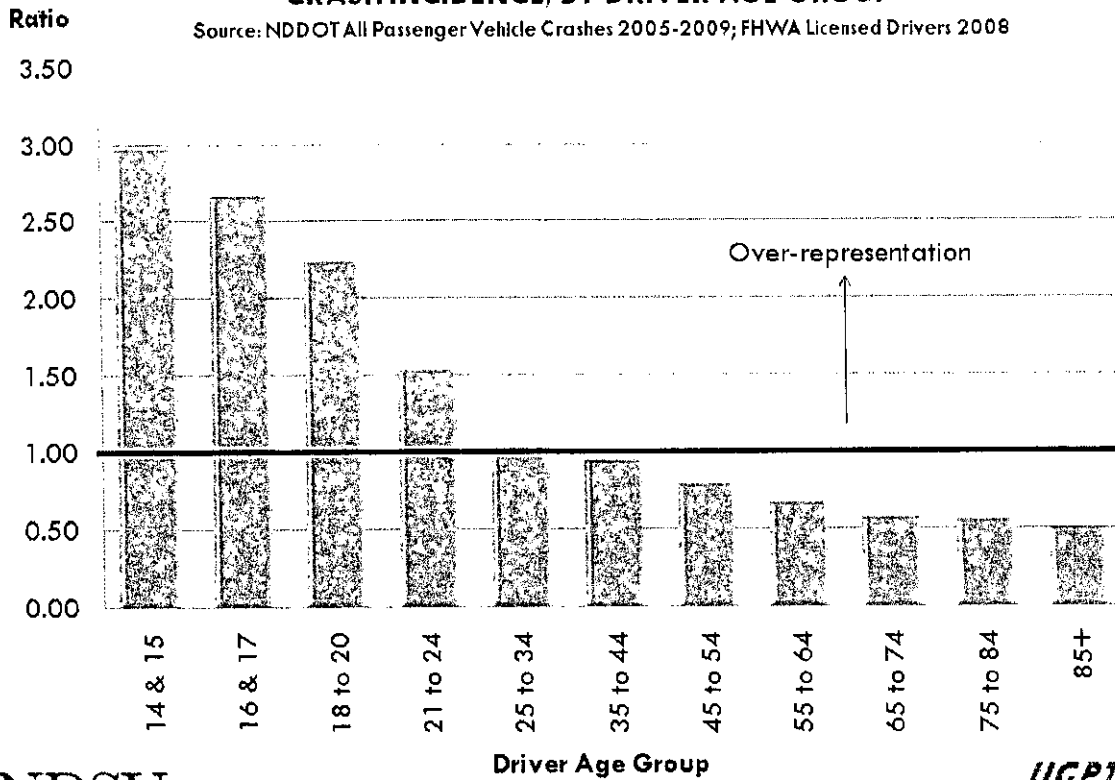
Renumber accordingly



Beginning Age	Length Phase 1 (Years)	Age End of Phase 1	Length Phase 2 (Years)	Age Full License Phase 3
14	1	15	1	16
14.5	1	15.5	0.5	16
15	1	16	0.5	16.5
15.5	1	16.5	0.5	17
16	0.5	16.5	0.5	17
16.5	0.5	17	0.5	17.5
17	0.5	17.5	0.5	18
17.5	0.5	18	0	18
18	0	18	0	18

## CRASH INCIDENCE, BY DRIVER AGE GROUP

Source: NDDOT All Passenger Vehicle Crashes 2005-2009; FHWA Licensed Drivers 2008

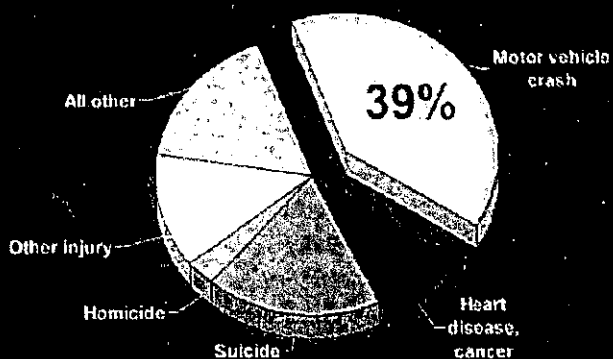


NDSU

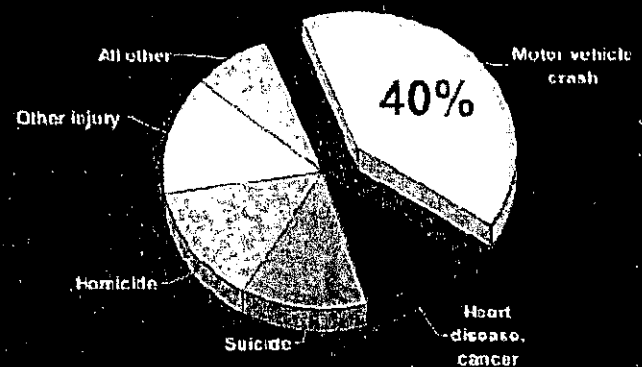
*UGPTI*

Enhancing mobility of people and goods in rural America.

## Leading Cause of Death North Dakota, Ages 14 - 17



## Leading Cause of Death United States, Ages 14 - 17



**Testimony – House Bill 1256  
House Transportation Committee  
Submitted by  
James Prochniak, NDHP**

January 28, 2011

Good morning, Chairman Ruby, and members of the House Transportation Committee. My name is James Prochniak, Superintendent of the North Dakota Highway Patrol. I'm here today to testify in support of House Bill 1256 – Graduated Driver's License.

As a member of a traffic safety organization, I fully support legislation that will save lives and promote good driving skills. Not unlike DUI or child safety seat laws, there are many examples of legislation that become law when the facts become clear that enacting such legislation is in the best interest of public safety. I truly believe we are at that juncture today.

I am frequently asked how enforcement of a Graduated Drivers License would occur. I certainly can't speak for other departments; however, I see a majority of the enforcement by our officers occurring when some other violation has triggered the traffic stop. Then, through identification of a driver, it is learned that the individual falls into the category of the graduated system, appropriate action would be taken.

Lastly, I would like to share a comment by a parent on a recent radio show I hosted. The caller talked about his daughter spending the night at a friend's house. This parent expressed his concern of how his daughter was allowed by the host parents to be a passenger in the car of young drivers. The concerned father stated he would not allow this in his house and was concerned about the safety of his daughter and he felt that GDL legislation would provide more safety to his daughter. The important message is that the GDL system protects more than just young drivers.

Mr. Chairman, members of the committee, I would encourage support of HB 1256.

This concludes my testimony I would be glad to answer any questions.

**HOUSE TRANSPORTATION COMMITTEE**  
**January 28, 2011 - 8:30 a.m. – Fort Totten Room**

**North Dakota Department of Transportation**  
**Francis G. Ziegler, Director**

**HB 1256**

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Good morning, Mr. Chairman and members of the committee. I'm Francis Ziegler, Director of the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to present information to you today.

At the DOT, our number one concern is safety—including the safety of our young teenage drivers. Many of our solutions are based upon sound engineering. However, in this particular case, there are no engineering solutions to the problem. The problem stems from the lack of experience performing the driving task and it simply takes training and experience behind the wheel that only time and practice can provide.

Nationally, motor vehicle crashes are the leading cause of death for teens age 14-17, at a startling 40% rate. Unfortunately, this is also true in North Dakota, in which 39% of teen deaths are as a result of motor vehicle crashes. Since 2005, North Dakota has lost 101 teens in motor vehicle crashes. In fact, 14 & 15 year old drivers are proportionally involved in more crashes than any other age group. (See attached charts.)

These numbers are much too high, as even one life lost is one too many. Now is the time to make a change to keep our teens safer behind the wheel.

I would like to share with you some findings from North Carolina after they implemented their Graduated Drivers License program in 1997. North Carolina saw a 38% decrease in crashes among 16-year old drivers and a 20% decrease in crashes among 17-year old drivers. North Carolina was the second state to enact a GDL program and they have seen great results because of it. Now we sit as the only state without a GDL program of any kind.

The goal with this GDL program is to maximize the driving experience behind the wheel and minimize the risks associated with young drivers.

As the Director of the DOT, my number one concern is the safety of the traveling public. Supporting the North Dakota GDL program means safer drivers and safer roads.

Thank you, Mr. Chairman, I would be happy to answer any questions.

**Testimony  
House Bill 1256  
House Transportation Committee  
Friday, January 28, 2011; 8:30 a.m.  
North Dakota Department of Health**

Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Terry Dwelle, and I am the state health officer for the North Dakota Department of Health. I am here today to testify in support of House Bill 1256.

According to the Centers for Disease Control and Prevention, motor vehicle crashes involving young drivers are the leading cause of death for U.S. teens, accounting for more than one in three deaths within this age group. Between the years of 2005-2009, 101 children in North Dakota younger than age 20 died as a result of motor vehicle crashes and many of those were passengers. This is a public health issue that needs to be addressed. Too many of our teenagers are being injured or killed in car crashes each year. Teens are more likely than older drivers to underestimate dangerous situations or not be able to recognize hazardous situations. Health education efforts are more effective when combined with other efforts – similar to laws regulating speed limits, driving under the influence and childhood immunizations.

Fortunately, many teen motor vehicle crashes are preventable, and proven strategies can improve the safety of young drivers on the road. Graduated driver licensing systems are designed to delay full licensure while allowing teens the ability to get initial driving experience while under low-risk conditions, such as limited nighttime driving, fewer distractions in their vehicles and more supervised driving.

The mission of the North Dakota Department of Health Division of Injury Prevention and Control is to review causes of injury and death and to develop programs to reduce the number and severity of injuries to the citizens of North Dakota. House Bill 1256 will help prevent deaths and injuries for young drivers on our roadways.

This concludes my testimony. I am happy to answer any questions you may have.

**Testimony in Support of HB 1256**  
**House Transportation Committee – Jan. 28, 2010**  
**Gene LaDoucer, AAA North Dakota**

Good morning, Chairman Ruby and members of the committee. My name is Gene LaDou and I represent AAA North Dakota, the local motor club that serves 60,000 members across the state.

As you have heard, the licensing of young drivers presents a challenge for all of us. The need for a system of licensing that places priority on the safety of teens and those of us who share the roads with them is clear. A system that does anything less reflects acceptance of the significant overrepresentation of teen drivers in fatal and injury crashes in our state.

As crash data shows:

- From 2001-2009, teen drivers were involved in almost 35,000 crashes, and
- While they account for only 6.57 percent of all drivers in the state, teen drivers have been involved in 19.5% of fatal crashes and 30.7 % of injury crashes since 2001.

It must also be clear that it's not just the teen driver at risk. More than half of all people killed in teen driver crashes in North Dakota from 1998-2007 were someone other than the teen driver.

Among the challenges in making changes to the state's current licensing policies is to understand the desires of parents. After all, parental involvement along with a good graduated licensing system has been proven to significantly reduce crashes among young drivers. We all benefit when the focus is on maximizing experience while minimizing risk.

While surveys in other states clearly show parents support Graduated Driver Licensing systems, it is important to know what parents in North Dakota think of our current system and how they view the provisions of a GDL system.

What a recent survey found is that parents of teenagers across North Dakota strongly support changes to the current licensing system. They are well aware of the dangers young drivers pose and support the GDL provisions as outlined in HB 1256.

As part of the survey, interviews were conducted with almost 1,000 parents of 15 and 16-year-olds from 49 of the state's 53 counties. A copy of the survey report, completed in December 2010, has been provided for your review.

Under North Dakota's current licensing system, teens can obtain a permit at age 14 and drive without supervision or restriction as early as age 14 years and six months. While parents strongly support the ability of a teen to obtain a permit at age 14, they just as strongly believe unrestricted licensing should be limited to those 16 or older. Eighty-two percent of parents believe teens should be allowed to get a learner permit at age 14 or 15; however, only 14 percent believe teens at those ages should be allowed to drive without any limits on time or passengers.

As for the individual elements of this bill, the study found extremely strong support for prohibiting cell phone use – both talking and texting -- and for limiting newly licensed teenage drivers to carrying no more than one non-family passenger. There is also substantial support for limiting driving after 9 p.m., as long as essential work and school-related driving is exempted (as this bill would do). It's also important to note that in almost all cases, there was little or no difference in opinion between parents living in urban or rural areas.

Other smaller surveys, of both parents and the general public, have yielded similar findings:

- In a 2008 survey conducted by the Rural Transportation Safety and Security Center at North Dakota State University, parents of teenagers recommended lengthening the permit holding period to 12 months and requiring 50 hours of supervised driving.
- A survey of AAA members in North Dakota found that 82 percent support limiting passengers to one non-family member; 89 percent support a nighttime driving limit; and 97 percent support restricting cell phone use while driving.
- Seventy-six percent of respondents to a recent online poll conducted by the Fargo Forum said “yes” when asked if North Dakota should institute a GDL system, and
- In another poll, 78 percent responded “yes” when asked if North Dakota should extend the permit period to 12 months.

It is clear there is widespread support for the provisions contained in HB 1256. As introduced, it gives parents a system they support -- a system that develops young drivers with a focus on those between the ages of 14 and 16.

Mr. Chairman, and members of the committee, we owe it to our children to develop them into safe and responsible drivers in a manner that reduces their risk and the risk of others. On behalf of AAA North Dakota I urge a “Do Pass” recommendation on HB 1256.

# Teenage Driver Risks and Solutions in North Dakota: Parental Knowledge and Opinions

Findings from the 2010  
Statewide Parent Survey  
Regarding Teen Driver  
Issues



December, 2010



# **Teenage Driver Risks and Solutions in North Dakota: Parental Knowledge and Opinions**

Findings from the 2010 Statewide Parent Survey  
Regarding Teen Driver Issues

**Center for the Study of Young Drivers  
University of North Carolina – Chapel Hill**

December, 2010

## BACKGROUND

Motor vehicle crashes are the leading cause of death among teenagers throughout the United States and in North Dakota as well. In recent years, policy-makers and traffic safety professionals have taken a number of steps to address this problem. Foremost among these is the implementation of a new approach to training young drivers known as graduated driver licensing (GDL). In brief this incorporates current scientific understanding of adolescent development and principles of how humans learn cognitively complex behaviors into a state's driver licensing process. Rather than basing licensing on the ability to pass a test, this new approach is designed to ensure that all new drivers follow a series of steps to full licensing so they have adequate time and opportunity to learn the many things involved in driving safely. Two dozen studies have examined the effectiveness of this approach. The results are striking, indicating that GDL reduces crashes among young drivers from 20% to 38%.<sup>1</sup>

A key element in the improved young driver safety produced by GDL is the active and appropriate involvement of parents, both in initially helping adolescents to learn how to drive safely and in monitoring their driving-related behaviors. Parents also play a crucial role in ensuring their teenagers' adherence to regulations meant to promote driving safety. In a GDL system, driver licensing policy and parents of teenagers work together to produce new drivers who are less likely to make 'novice mistakes.' Besides knowing how to handle a vehicle, teens licensed through a GDL system acquire and apply wisdom about the many aspects of driving that can only be developed through extensive experience.

Because parents must be extensively involved as their teens learn to drive, their knowledge about driving and their concerns about teenage driving risks play an important role in the success of a GDL system. Additionally, their understanding of the driving environment and conditions in the area where their child will initially be doing most of his or her driving contribute significantly to how a licensing policy should be structured. Accordingly, a survey of the parents of teenagers in North Dakota was undertaken to learn what they think about teenage driving issues – including risks and policies to address those risks – as well as their experience with a beginning teenage driver. The procedures of this survey and several key findings regarding parents' opinions about teen driver licensing policies are described here.<sup>2</sup> Additional results concerning other issues will be presented in a subsequent report.

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<sup>1</sup> Shope, JT (2007) Graduated driver licensing: review of evaluation results since 2002. *Journal of Safety Research*, 38(2), 165-175.

<sup>2</sup> The sampling design and questionnaire for this survey was developed by the Center for the Study of Young Drivers at the University of North Carolina – Chapel Hill, in conjunction with members of the driver licensing, safety and transportation research communities in North Dakota. Funding for development and conduct of the survey was provided by the U.S. Centers for Disease Control.

## PROCEDURES

Households were randomly sampled using an approach known as stratified sampling designed to ensure that all regions of the state were appropriately represented. Stratification is a statistical sampling technique used to ensure that certain segments of a population are not inadvertently over- or underrepresented. The use of stratified sampling ensures that enough interviews are obtained from each subgroup of interest to reliably describe the views of all members of that group.

Because of the uneven distribution of the population in North Dakota, with 57% residing in only 5 of the state's 53 counties, it was important to ensure that interviews were conducted in a wide range of rural counties. Both crash likelihood and crash severity are closely related to the urban-rural nature of the driving environment. Accordingly, the state was divided into three strata representing the more rural and more urbanized areas. These are described below. A minimum of 200 interviews were obtained from each stratum, to ensure that the full continuum of urban to rural counties was adequately represented in the final sample. In total, 972 interviews were conducted with families residing in 49 of the state's 53 counties.

**Urban** – the five largest counties, with a median county population of 70,000. This stratum represents about 57% of the state's total 2009 population (363,734). Most driving by teenagers in these counties takes place in cities and towns.

**Small Town Rural** – 8 counties in which a substantial proportion of the population lives in a town or small city. In these counties, a substantial amount of driving by teenagers takes place in populated areas with relatively low speed limits, but there is also a large amount of driving at higher speeds on rural roadways. The median population of these counties is 15,000. This stratum represents 20% of the state's population (125,624).

**Completely Rural** – the remaining 40 counties that do not fall into either the Urban or Small Town strata. The large majority of driving by teenagers in these counties is on rural, high speed roads. The median population of these counties is 3,250 and the stratum represents about 23% of the state's population (150,357).

Interviewers called randomly selected phone numbers for households likely to contain a teenager and asked to speak to the parent of a 15- or 16-year-old, if there was one in the household.<sup>3</sup> Further screening was employed to locate the adult most familiar with the teen's driving for those who had begun to drive. This was typically the person who had supervised the teen's initial driving experience. Questions covered a range of topics, generally focusing on parents' concerns about young driver safety in North Dakota, their experiences and actions as their teen began to drive, and their beliefs and opinions regarding potential ways to address teen driver safety.

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<sup>3</sup> Interviews were conducted by the ETC Institute, a survey research firm with extensive experience conducting transportation related surveys.

## RESULTS

### *Characteristics of the Sample*

Table 1 provides a summary of characteristics of the teenagers interviewed.<sup>4</sup>

Table 1. Characteristics of the Sample

<i>Characteristic</i>	<i>%</i>
Age	
15	50
16	50
Sex	
Male	52
Female	48
License type	
Regular	74
Learner permit	16
None	10
Residence (stratum)	
Urban	53
Small town rural	25
Completely rural	23
Total Interviewed (n)	952

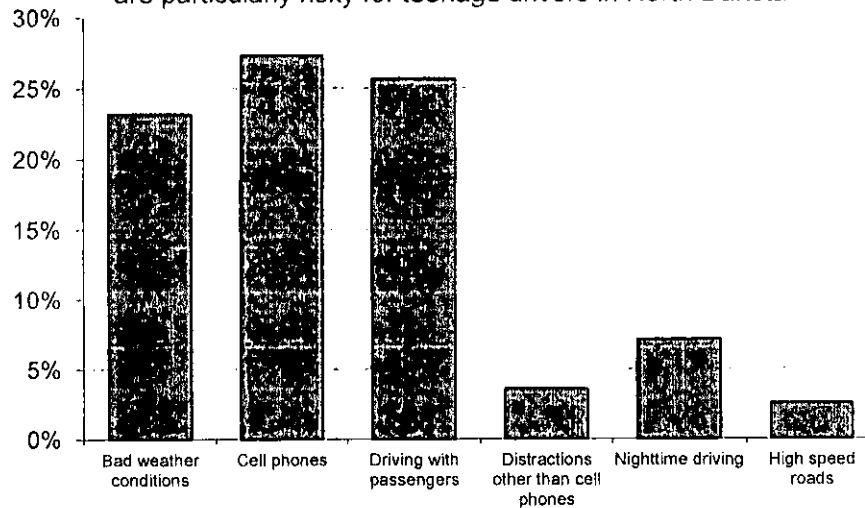
The results reported below provide accurate representations of the state as a whole. Although more rural areas were slightly above the proportion of the state's population, post-stratification weights were used to give representation to responses from all regions (strata) according to their proportion of the state's population. For simplicity, results for the two rural strata are combined when comparing responses between urban and rural parents.

### *Parent Concerns*

Parents were asked whether there are any driving conditions that they thought would be particularly risky for teenage drivers. Figure 1 shows the conditions that parents are most concerned about. The exact wording of the questions is provided in the Appendix. Three issues – use of a cell phone (27%), driving with young passengers (23%), and driving in bad weather (23%) – were mentioned commonly and with the greatest concern. The same issues were of concern to both urban and rural parents.

<sup>4</sup> In about 20% of households there were two teens of qualifying age (15 or 16). Some parents interviewed more than one teen. In these instances, parents were asked about the youngest teen.

Figure 1. Driving situations/conditions parents believe are particularly risky for teenage drivers in North Dakota



Parents of teens who had completed the 6-month learner period, during which they must have an adult supervisor with them to drive legally, were asked how they felt about this period and whether it was difficult to find time to supervise their teen's driving. Only 7% reported it was difficult to find time to do this. Sixty percent reported that they enjoyed it, whereas 29% said they disliked having to provide this supervision. Parents in rural areas found it somewhat easier to find time to accompany their teen, with 68% saying it was very easy. Sixty percent of urban parents said it was very easy to find time to supervise their teen's driving.

### ***Parent Opinions about Driver Licensing Policies***

After parents were asked about some of their general concerns regarding teen driving safety, they were asked their opinion about things the state of North Dakota could do to improve safety by establishing various licensing regulations that other states have adopted.

Parents were asked their opinions regarding each of the several central elements of a standard graduated driver licensing (GDL) system. These included opinions about

- The age at which teens should be allowed to start driving (both with an adult and unsupervised),
- The minimum duration of a learner permit,
- Limits on nighttime driving for newly licensed drivers, and
- Limits on carrying teen passengers by newly licensed drivers

Questions were carefully worded in a neutral fashion to avoid biasing responses. Although it was recognized that some parents might not understand that rationale for the various options, no explanations for why these might be considered were provided. Each element was introduced as something that “some states” do, followed by a question about whether the respondent thought it was something that North Dakota should do. The results for each of these are presented in the series of figures that follows. The wording of each question is given as the Figure heading.

### ***Driver Licensing Age***

Some national groups believe that the minimum age to begin driving with adult supervision should be 16. Two questions were asked to obtain the opinions of North Dakota parents about the appropriate ages for supervised and unrestricted teenage driving:

*“In your opinion, what is the youngest age that teens in North Dakota should be allowed to get a learner’s permit, which allows them to drive only with an adult supervisor in the car?”*

*“In your opinion, what is the youngest age that teenagers in North Dakota should be allowed to drive without any restrictions on time of night or number of passengers?”*

Responses to both these questions are shown in Figures 2 and 3. Most North Dakota parents believe that teens should be able to begin learning to drive at age 14 (44%) or 15 (38%), as long as they have an adult supervisor with them in the vehicle. At the same time, the vast majority (86%) also believe that teens should be at least 16 years old in order to drive without night or passenger limits (beliefs about these limits are described below). Half (48%) believe that unrestricted driving should not be allowed until age 17 or 18.

There is no meaningful difference in the opinions of rural and urban parents about when unrestricted driving should begin. Rural parents are slightly more likely to favor allowing unrestricted driving before age 16 (16% vs. 12% for urban parents). This slight difference is not statistically meaningful (that is, it falls with the survey’s “margin of error”). However, rural parents are more likely to believe that it is okay for teens to begin supervised driving at age 14 (50% rural vs. 39% urban).

Figure 2. Youngest age at which teens should be allowed to get a learner permit (to drive only with adult supervision)

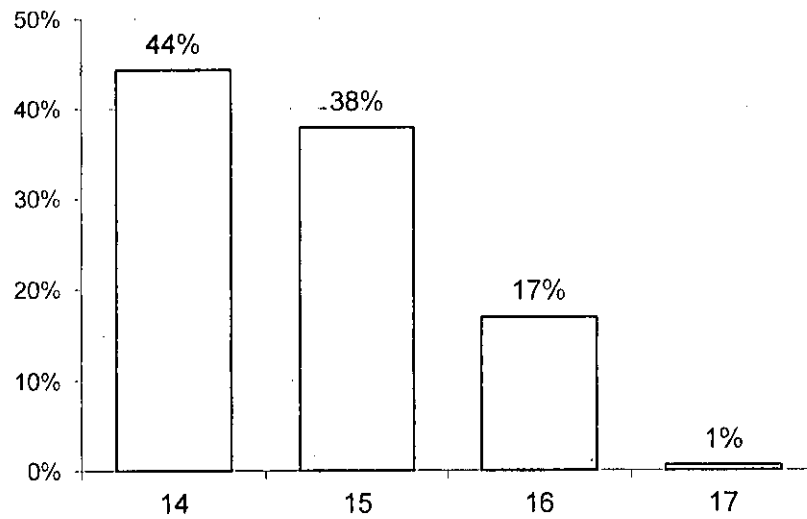
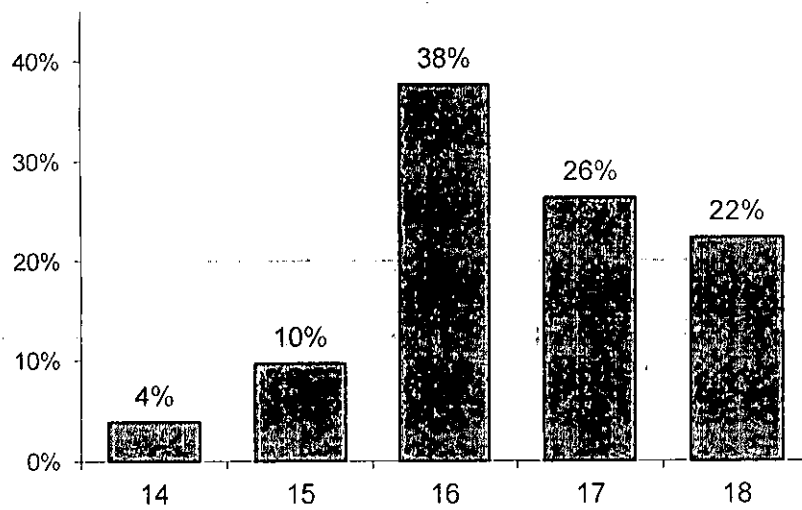
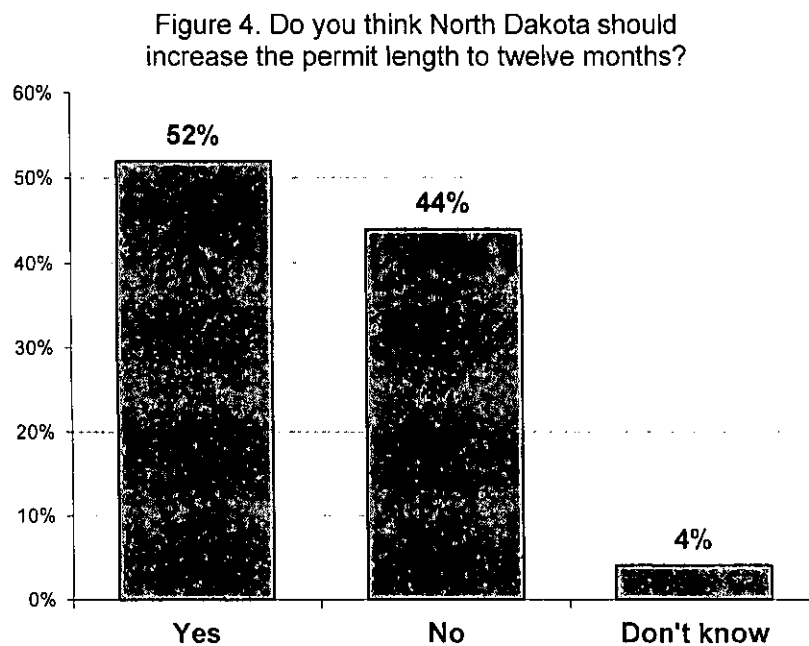


Figure 3. Youngest age at which teens should be allowed to drive without any limits on time or passengers



## Learner Permit Length

Young beginning drivers in North Dakota are currently required to drive with a learner permit, meaning they must be accompanied by a licensed adult driver, for 6 months before beginning to drive unsupervised. Partly because of concerns among parents and young driver experts that 6 months is not long enough for beginners to obtain enough supervised experience in a variety of driving circumstances, including all weather conditions, several states require 9 or 12 months of supervised driving. Parents' responses to the question *"North Dakota requires teens to have a learner permit for six months before they are allowed to drive without an adult in the car. Some states require teens to have a permit for 12 months. Do you think North Dakota should increase the permit length to twelve months?"* are shown in Figure 4. Support for lengthening the permit was stronger among parents in urban counties (58%) than among those from more rural counties (45%).



Once young drivers in North Dakota have held a permit for the required period of time, they can begin driving without restrictions on the time of night or the number of young passengers they carry. Both these conditions are associated with substantial increases in the risk of a crash and a driver fatality among teenagers. Driving after 10 p.m. triples the risk of a driver death among teens in their first year or two of driving. Carrying young passengers doubles the rate of driver deaths.<sup>5</sup> For this reason most states place limits on teens' driving in these conditions for their first 6 months of driving without adult supervision.<sup>6</sup>

<sup>5</sup> Chen LH, Baker SP, Braver ER, Li G (2000) Carrying Passengers as a Risk Factor for Crashes Fatal to 16- and 17-Year-Old Drivers. *Journal of the American Medical Association*, 283, 1578-1582.

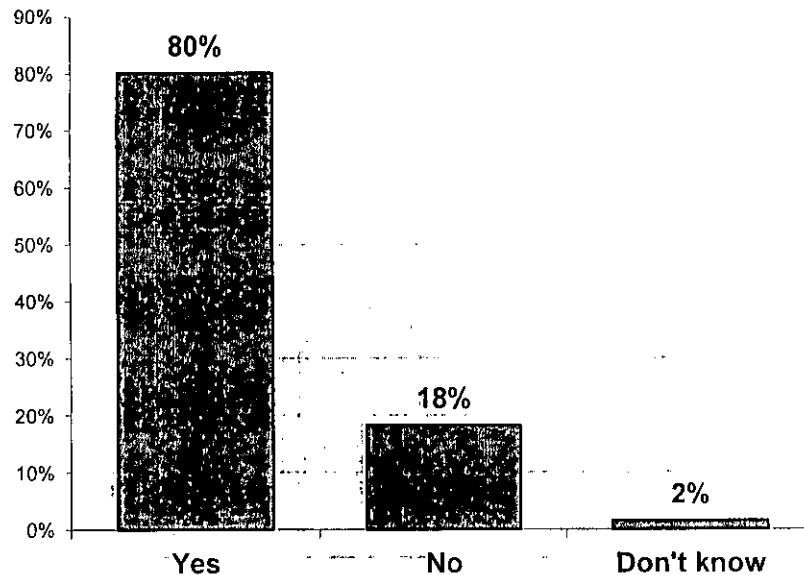
<sup>6</sup> IIHS (2010) Licensing systems for young drivers. <http://www.iihs.org/laws/graduatedLicenseIntro.aspx>



### **Passenger limit for beginning drivers**

When asked the following: "Some states limit the number of young passengers that newly licensed teens can have when they first begin driving, unless there is an adult in the car. Do you think North Dakota should limit newly licensed teen drivers to no more than one teen passenger?" Seventy-one percent of parents indicated they believe North Dakota teens should have such a limit. In most states, passenger limits do not apply to members of the teen's family, allowing them to transport siblings. Respondents more strongly endorsed the adoption of such a passenger limit for ND teens, as is shown in Figure 5. Support for a passenger limit was similar among parents from urban (83%) and rural (79%) areas. This slight difference is not statistically meaningful.

Figure 5. Do you think North Dakota should limit newly licensed teen drivers to no more than one teen passenger? (Family members exempt)

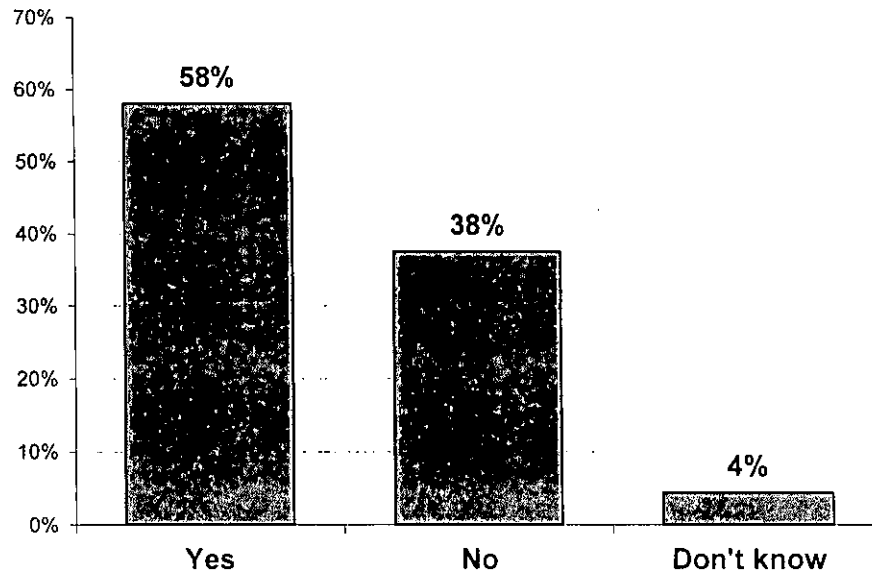


Those who indicated support for a passenger limit were asked how long it should apply – 6 months, 12 months, until age 18 or some other period. Most respondents believed 12 months or longer. Forty-five percent said 12 months, 17% said until age 18 and 32% said 6 months. There were no noteworthy differences between urban and rural parents in opinions about how long a passenger limit should last. Urban parents were slightly more likely to favor the shorter duration (33% vs. 30% for rural parents), but this difference is well within the statistical margin of error.

### ***Limit on night driving for beginning drivers***

North Dakota parents also favor limiting nighttime recreational driving for newly licensed teenage drivers. As with passenger limits, night driving restrictions in other states include exemptions for night driving if there is an adult with them or for trips considered to be essential, such as traveling to or from work or school activities. When asked the following: *"Some states do not allow teens to drive after a certain time of night when they first begin driving, unless there is an adult in the car with them or they are driving to or from work. Do you think North Dakota should have a restriction like this for new teen drivers?"* a majority expressed support, as shown in Figure 6. Support for limiting night driving is stronger among urban parents (64%) than rural parents; nonetheless, rural parents are slightly more likely to support than to oppose this (48% agree, 46% disagree and 6% are undecided).

Figure 6. Do you think North Dakota should limit driving after a certain time of night for new teen drivers?



Those who indicated they support a night limit for newly licensed teen were asked whether they would support a limit beginning at 9 p.m. and lasting for the first six months the teen has a license.<sup>7</sup> Nearly two-thirds indicated they would support such a limit. There was no difference in this support between urban (62%) and rural (63%) parents. When they were asked about a 9 p.m. restriction that includes an exemption for school-related travel, approval increased to 75% (76% urban, 74% rural).

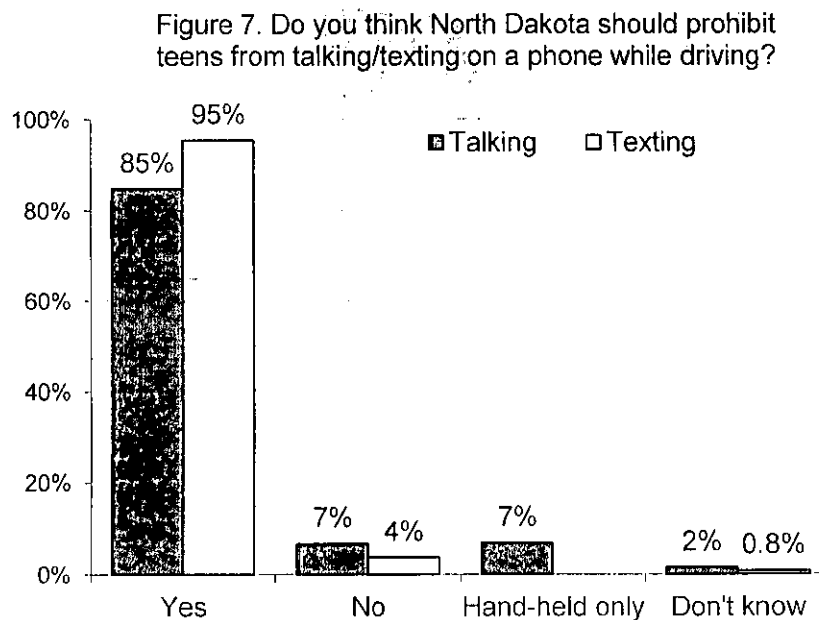
<sup>7</sup> This time was selected because crash risk for young drivers begins to increase after 9 p.m. and it is this risk that a night driving limit is meant to address for beginning drivers.

## Limits on Cell Phone Use

Another risky driving condition for young drivers (and others) is the use of a cell phone, either for talking or texting (sending or reading typed messages). As of November 2010, 28 states prohibited mobile phone use by novice teenage drivers for either purpose and 8 prohibited texting but not talking. Thirty states did not allow texting by drivers of any age and 9 had banned talking on a hand-held cell phone while driving regardless of driver age.

In the present survey the focus was on the opinions of parents regarding teenagers' use of phones while driving. As noted above, cell phone use is among their greatest concerns. When asked the following: "Some states prohibit newly licensed teens from talking on a cell phone while they are driving. Do you think North Dakota should prohibit teens from talking on a phone while driving?" an overwhelming majority (85%) said yes. Support for such a restriction did not differ between urban (86%) and rural (83%) parents.

A separate question regarding texting was also asked: "Some states do not allow teens to send text messages while driving. Do you think North Dakota should prohibit teens from texting while driving?" Support for this was nearly universal, with 95% of parents in both urban and rural counties indicating that North Dakota teens should be prohibited from texting while driving. Responses to both questions about phone use are summarized in Figure 7.



### ***Teens' crash experience***

Nineteen percent of parents of teenagers who had a license (not a learner permit) reported the teen had already experienced a crash. Three percent had been involved in 2 or more. On average these teens have been driving unsupervised for about 12 months at the time of the interview. About a quarter of these crashes were minor, resulting in little or no damage. Nearly as many resulted in enough damage that the vehicle had to be towed. Not surprisingly, 30% of these crashes occurred on icy/snowy roads.

### **SUMMARY**

Several studies have found that parents of teenagers strongly support graduated driver licensing in general, as well as the individual elements that comprise a GDL system. These include a required lengthy learner permit period, followed by limits on driving in particularly risky conditions for the initial months when teens begin driving on their own. The present findings indicate that North Dakota parents view these issues similarly to parents elsewhere in the U.S.

The opinions of parents surveyed reflect substantial experience with the issues about which they were asked. Ninety percent of the 15- and 16-year-olds whose driving experiences parents reported were already driving; most had progressed to a full license. Of those with a license, 19% had already had a crash and 3% had experienced more than one. This is noteworthy in view of the fact that these teens had been driving unsupervised on average for only about one year. This high crash rate among first year drivers may help explain parents' substantial support for several changes to the North Dakota driver licensing system.

There is almost no support among North Dakota parents for the notion endorsed by some national organizations that teens should wait until age 16 to begin learning to drive. Opinion about lengthening the mandatory learner period from 6 to 12 months is moderately favorable, with more support from urban than rural parents. At the same time the vast majority of parents believe there should be limits on teen drivers' exposure to risky conditions until they are at least 16. Many believe these limits should remain in place until age 17 or 18.

There is extremely strong support among North Dakota parents for prohibiting cell phone use, for talking or texting, and for limiting newly licensed teenage drivers to carrying no more than one non-family passenger. There is substantial support for limiting driving after a certain time of night for newly licensed teens and 2/3 of those who believe night driving should be limited agree with setting this limit at 9 p.m., as long as essential work and school-related driving is exempted.

# 8

**Testimony concerning HB 1256**  
**North Dakota House Transportation Committee – January 28, 2010**  
**Robert Foss, Ph.D., University of North Carolina at Chapel Hill**

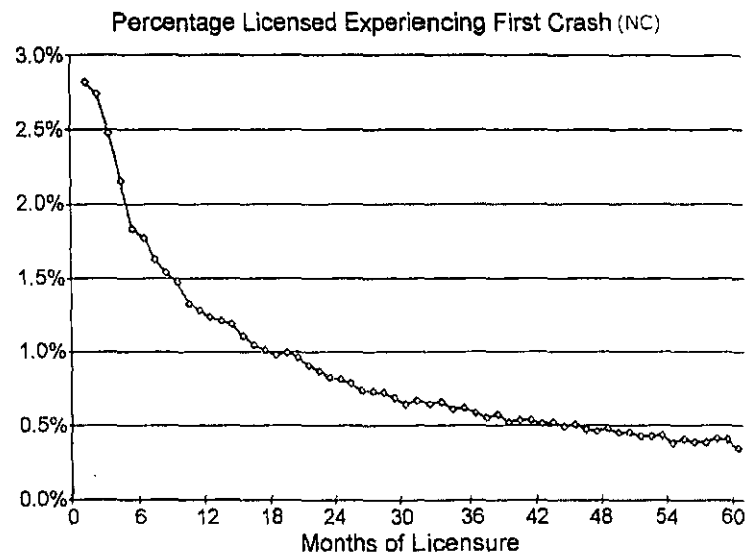
Good morning, Chairman Ruby and members of the committee. My name is Rob Foss. I am the Director of the Center for the Study of Young Drivers at the University of North Carolina. I also Chair the Transportation Research Board Subcommittee on Young Drivers, which includes most of the world's top young driver researchers.

I am here to speak to you briefly on behalf of the scientific community. We have been studying why young, beginning drivers crash so often and what can be done to reduce that problem for more than a decade. Today, I would like to (1) say just a few words about the history of efforts to help young drivers, (2) summarize why so many of them crash, (3) describe what is known about how to improve their safety, and the safety of those who share the roads with them, then (4) answer any questions that you or members of the committee may have.

Historically, in the United States, teenagers have generally been required to pass a formal driver education class before they are allowed to begin driving. Until about 30 years ago, we believed that was enough. The bad news is that driver education, as it has been delivered in the United States and elsewhere, has not produced the benefits we had believed it did. Despite the many valuable lessons learned in driver education classes, young beginning drivers still crash at rates that are nearly 9 times as high as experienced adult drivers. So driver education alone is not enough.

The very good news is that there is presently a well developed and widely evaluated approach to reducing young driver crashes. This is known as Graduated Driver Licensing (GDL) and it simply involves some relatively small, but very important changes to the driver licensing process. These take into account what we know about human learning, adolescent development and that nature of safe driving.

In brief, young beginning drivers crash more often than adults because of their inexperience and the impulsiveness that comes with being an adolescent. We cannot change the human development process, but we can work on experience. This is what GDL is designed to do. The figure here shows how crash rates decline with experience. This is because actual experience driving in real conditions involves a great deal of learning. It is clear that this takes a long time. That is because there is so much to learn.



Learning to be a good driver is much like learning to play a continuous action sport like hockey, soccer or basketball. Knowing the rules and the basic skills is only the first step. After mastering those there is much more to learn, for example, what other players might do in various situations, what one's

teammates will do, exactly when to make a pass and what kind, etc. These sorts of things can only be learned well from extensive practice. They are learned best with guidance from a good coach. By carefully structuring the licensing process, GDL creates this kind of learning for young drivers, and parents are the key to its effectiveness. They make sure their children get enough practice and they decide which driving skills, situations and behaviors need more work.

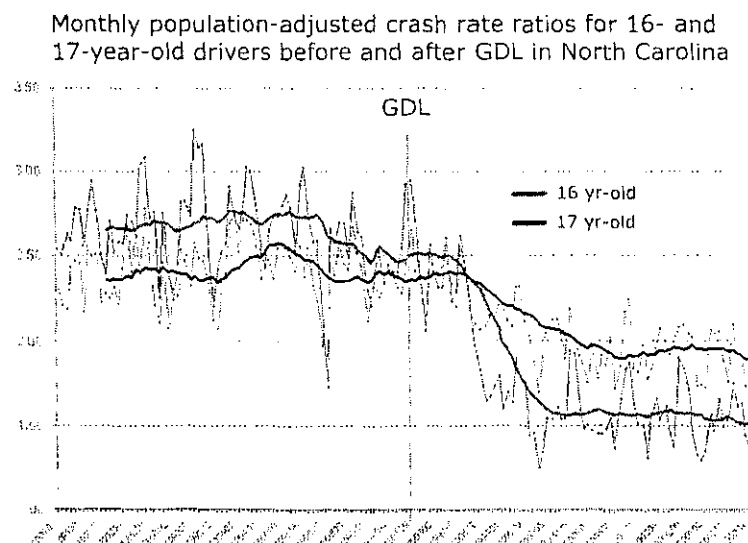
This approach to licensing requires basic knowledge to begin; teens usually learn this in driver education classes. The system then provides the opportunity and incentive for new drivers to get the large amount of real world practice they need to become “wise” about driving. Parents play the all-important role of coach. They are not meant to be driving instructors. That is best left to trained professionals. But parents know a great deal about driving that they can help their child to understand.

Following this stepped approach to driver licensing greatly reduces the risk of crashing while critical experience is accumulated. That is the goal of GDL – to maximize the practical driving experience from which new drivers learn, while keeping their crash risk as low as possible while they are gaining this experience.

Supervised teenage drivers are the safest drivers on the road. But eventually, they need to learn to drive without an adult in the vehicle. While supervised, they can learn about how a car handles, the problems that various roadways can present and what to expect from other drivers. But they can’t learn to be completely in charge of the vehicle as long as a parent is with them. Beginning to drive unsupervised is a particularly dangerous time because novices still have a lot to learn, but are no longer protected by having an experienced driver with them. This is why drivers need the protection provided by limits on the conditions in which they drive for their first several months driving without a parent in the car. Without these limits, crash rates increase by a factor of 10 when teens begin driving unsupervised.

Carrying young passengers and driving after about 9 p.m. are particularly risky conditions for teenagers. Having a passenger *nearly doubles* the driver’s risk of dying in a crash. Night driving *almost triples* the risk. This is why GDL systems limit young, inexperienced drivers from carrying multiple passengers and driving late at night for 6-12 months during an intermediate licensing stage while they are still learning.

The benefits of GDL are impressive. Two dozen studies, conducted in numerous states, have shown sharp drops in young driver crashes when a GDL system is adopted. Crashes generally decline by 20-40%. The figure to the right shows how monthly crash rates among 16-year-old drivers in North Carolina decreased by 38%, and 17-year-old crashes declined 20%, compared to experienced adult drivers. The delayed effect is because the new system didn’t apply to new drivers until a year after it was enacted.

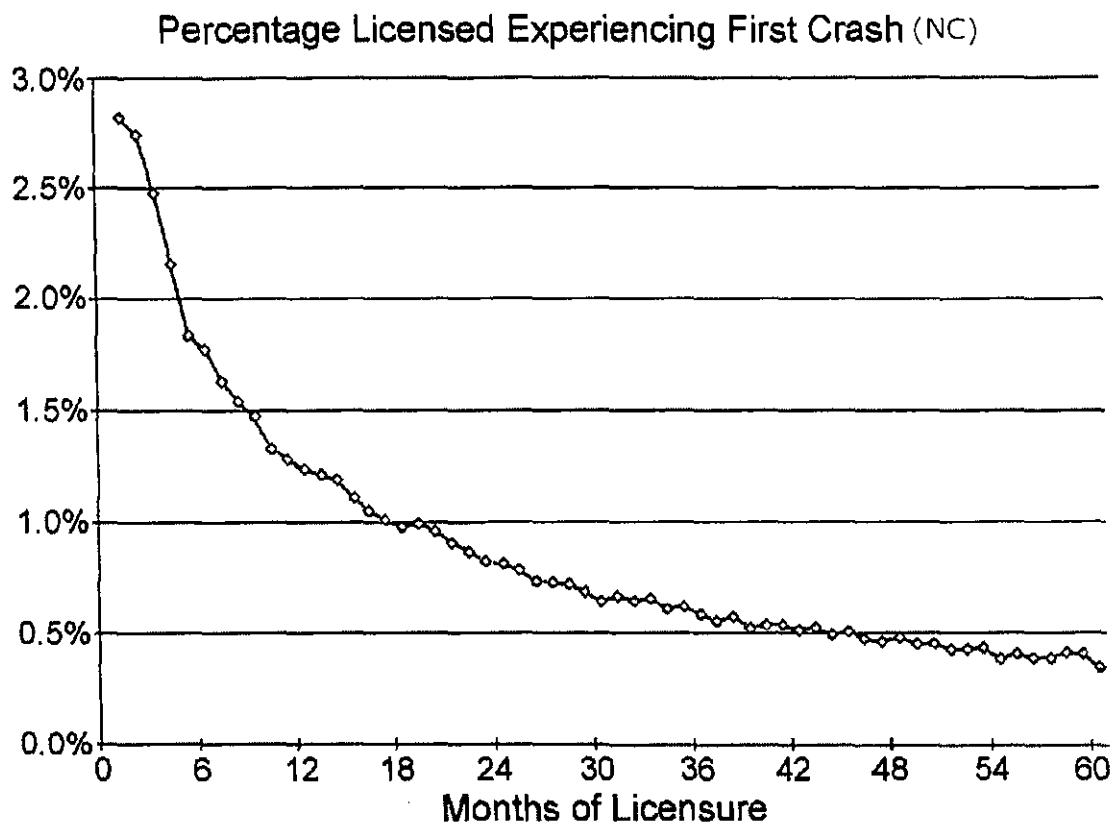


In addition to reducing young driver crashes, GDL is extremely popular with parents of teenage drivers. Interviews with parents in several states – including Iowa, Kansas and North Carolina – indicate they very strongly approved of this approach where it was used, or believed their state should begin using it where it was not yet in place. Parent approval is routinely 80% or higher. A telephone interview survey of parents in North Dakota a few months ago (in 2010) shows similar support for the main elements of a GDL system to that found elsewhere. I believe you have copies of the results of that survey.

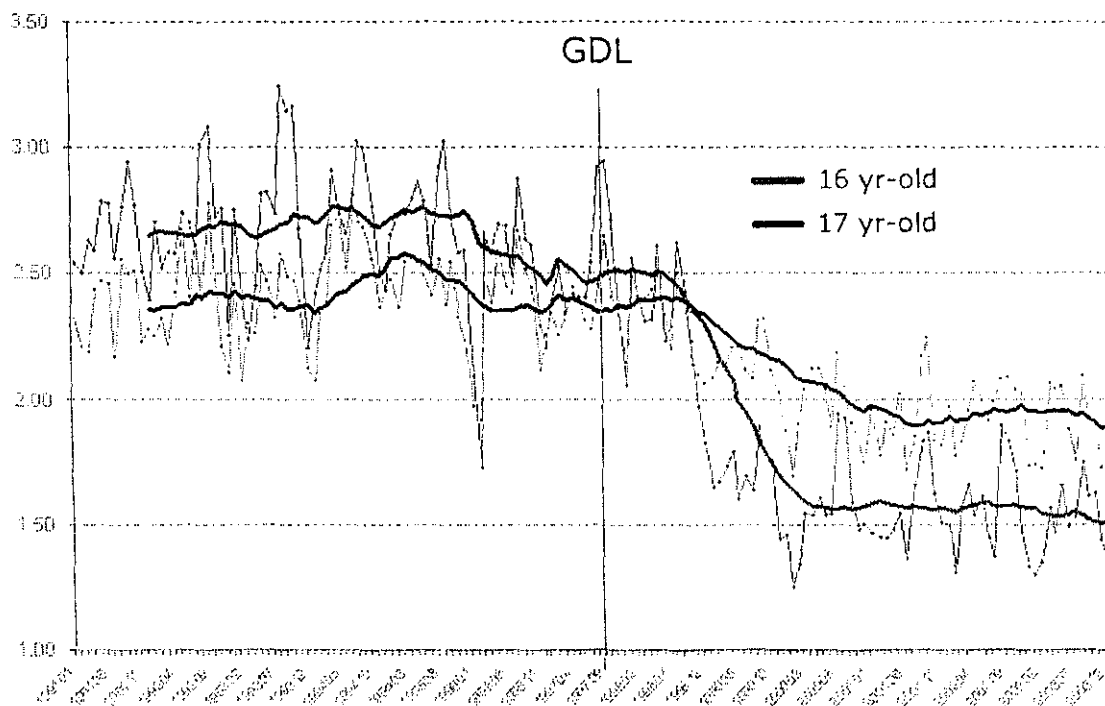
In many states, legislators representing rural areas have been concerned that GDL is needed only by teens who live and drive in urban or suburban areas where traffic is much heavier. Although collisions are more in cities and towns, these are usually minor. The large majority of serious crashes – in which teenage drivers, their passengers or those riding in other vehicles are injured or killed – occur in rural areas. This is because driving speeds are higher and roads are generally not as well built and maintained in rural areas. In North Dakota, about 90% of fatal crashes involving young drivers occur on rural roads. This means that rural teenagers stand to benefit more from a GDL system than those who live in cities. Surveys of parents have also found that those living in rural areas approve of GDL as strongly as parents who live in towns and cities.

To summarize, historically in the United States, beginning teenage drivers have had extremely high crash rates. Until we began moving to graduated driver licensing systems, in 1997, we adults had done a poor job of protecting our children from the greatest risk to their health – motor vehicle crashes. When states enact a good, comprehensive GDL system, parents are quite happy to have this licensing system in place, which they see as supporting their efforts to help their children become safe drivers. Most importantly teen crash, injury and death rates decline sharply after states switch to a graduated driver licensing system.

Thank you for your time. I will be happy to answer any questions you may have about these issues.

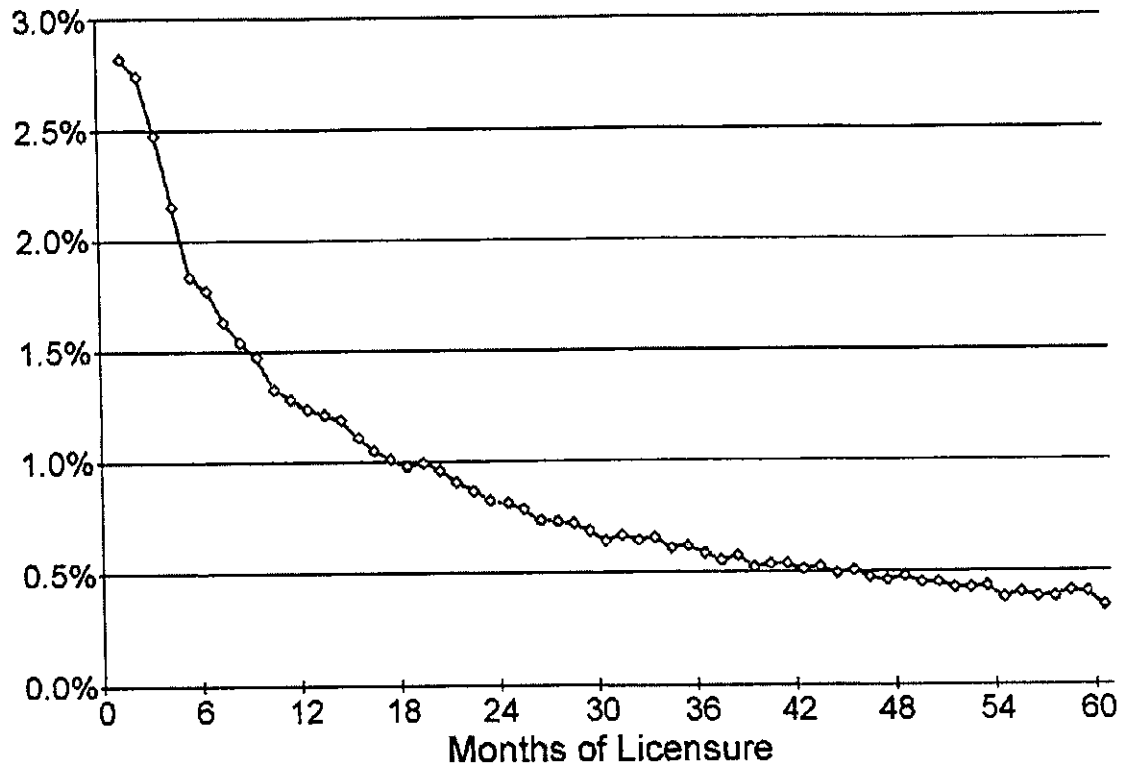


Monthly population-adjusted crash rate ratios for 16- and 17-year-old drivers before and after GDL in North Carolina

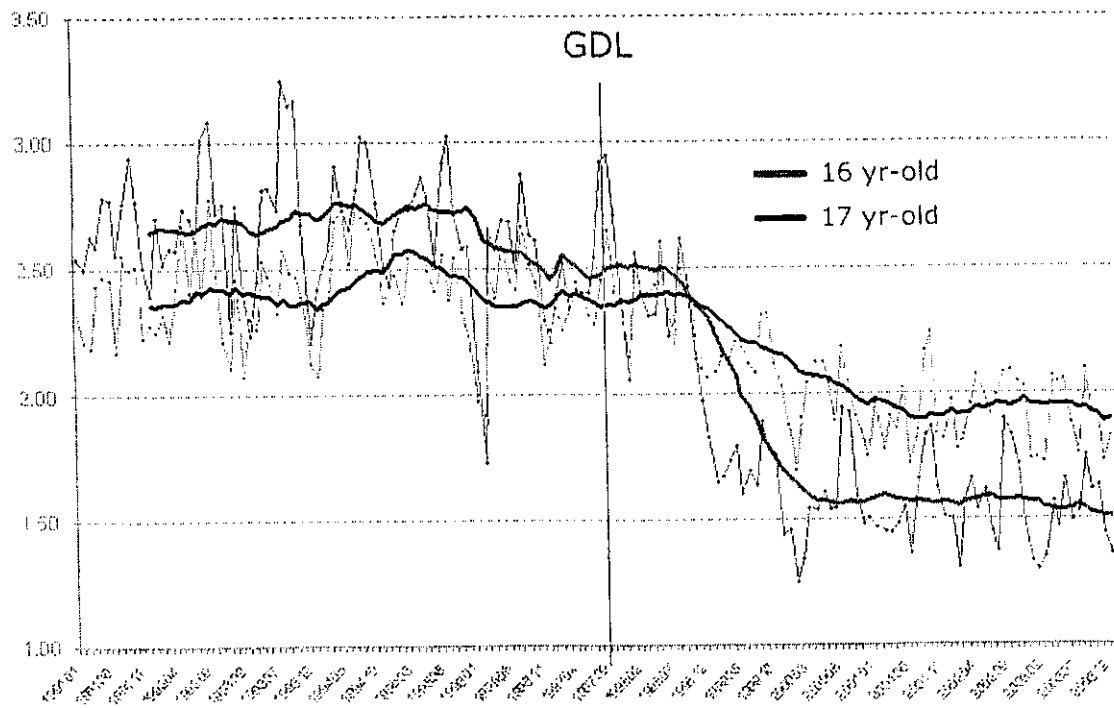




Percentage Licensed Experiencing First Crash (NC)



Monthly population-adjusted crash rate ratios for 16- and 17-year-old drivers before and after GDL in North Carolina



## TESTIMONY ON HB 1256

Presented by Richard D. Ott, Executive Director  
Head Injury Association of North Dakota

January 28, 2011

Mr. Chairman and members of the House Transportation Committee, my name is Richard Ott, and I am the executive director for the Head Injury Association of North Dakota. I am here today to support HB 1256 which deals with a proposal for a graduated driver's license system for our state.

Earlier this week, Sen. Berry introduced a bill addressing concussion protocol when working with young school-age athletes. In his introduction, he made a statement that I would like to use to open my remarks. He essentially said this all begins and ends with the young people we are trying to serve. In other words, it's not really about "US".

Our Association is very concerned about prevention. What can we do to see that traumatic brain injuries do not happen in the first place?

A traumatic brain injury (TBI) is a dreadful experience for not only the victim, but also for all those near to the injured person -- family, school, community, etc. A traumatic brain injury that could have been prevented is an even more dreadful situation.

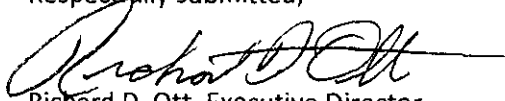
I cannot overemphasize the extent to which a TBI can bring change to the lives of everyone close to the injured person.

There are some folks here this morning that can give you some chilling examples of what this kind of occurrence can bring to a family, and I'll be brief so they have an opportunity to share their stories with you.

If this approach presented here this morning can prevent a single event of TBI, it is worth our attention and consideration.

Thank you Mr. Chairman and members of the committee and I will be pleased to answer any questions you may have.

Respectfully submitted,



Richard D. Ott, Executive Director  
Head Injury Association of North Dakota

#11

## **Testimony**

### **House Transportation Committee**

**Friday, January 28, 2011**

Good morning Mr. Chairman and members of the transportation committee, my name is Lisa L. Anderson from Leeds, ND. I am here today to testify in favor of House Bill #1256. When my daughter was 15-years-old, she was in a car accident that almost took her life. She will be living with the ramifications of her injuries for the rest of her life.

November 12, 2007, a day Hannah Anderson will never remember, yet never forget. Hannah, then 15-years-old, was driving herself and 3 friends out to her grandmother's house to watch a movie in the middle of the afternoon. As Hannah left Leeds and turned out onto highway 2, the kids were all talking and laughing and her car was hit. The pick-up truck with a deer guard mounted on the front bumper; hit Hannah in her little 4 door Chevy Prism. It was a direct hit to the driver's door and Hannah was knocked unconscious. The two kids in the back of the car were really shook up, but called their parents who then dialed 911. The sheriff arrived and pronounced Hannah dead at the scene. A passerby stopped to see if he could help, he was a volunteer firefighter from Minneapolis. He found a faint pulse and sat in the car holding Hannah's head up to open her airway until the Jaws of Life could extricate her from the car, this took approximately 45 minutes. The ambulance left for the Rugby Hospital and I was called at work. I was told Hannah had been in car accident and I was to get to the hospital as fast as I could. Hannah's injuries were too severe, and the Rugby Hospital was not equipped to help her – she was transported to a hospital in Minot and airlifted to Hennepin County Medical Center in Minneapolis, MN, a level 1 trauma center with a Pediatric Traumatic Brain Injury Unit. Hannah remained in a coma for 12 days and was in HCMC for a month. When she was medically stable, she was transferred to the Gillette Children's Specialty Hospital in St. Paul, MN for rehabilitation as they also specialize in helping kids with brain injuries.

Almost 3 months were spent in MN hospitals until finally; Hannah was able to come home. The journey does not end there – we came home with a teenage girl who could not walk on her own, was on 24-hour supervision, could not use the bathroom without assistance, could not hold a pen or pencil to write and was barely able to be understood when she talked. Hannah had a mountain to climb and years of therapies ahead of her if she was going to even think about graduating from high school and perhaps go on to college or having any kind of normal life at all.

Hannah spent the next three years not only going back to school to get an education, but also attending physical therapy, occupational therapy, speech therapy three times a week in Devils Lake. She also required psychological counseling, vision therapy, cognitive therapy as well as getting to doctors appointments all over MN and ND. I quit my job to devote 100% of my time to getting Hannah the care she needed to regain as much function as she possibly could after suffering her traumatic brain injury.

Traumatic brain injuries leave people feeling exhausted, they have trouble with short term memory loss, they have exorbitant medical bills, they need to learn to live independently and they need support. People with TBI's have social deficits, are confused and agitated, have personality changes, have trouble with impulsivity, their reasoning and judgment is impaired. A TBI will affect a person for the rest of their life – it is not like a broken leg that will heal. These are all things that Hannah struggles with on an almost daily basis.

By passing this bill, you will be preventing other families from having to go through what we did. By passing this bill, we provide safer conditions for our children, and by passing this bill, we will be saving lives. The leading cause of teen deaths in ND is traffic crashes – we need to stand up and take action now. 49 other states have adopted graduated drivers license concepts, aren't our children as important as theirs? If even one teenage death can be prevented, then this bill will be worth its weight in gold. If just one family can be spared the agony of losing their child, or have their child end up with a lifelong disability, then we need to act now.

To conclude my testimony, I must share another prime example of why we must give this bill serious consideration. As I looked out my window of my home last week, something caught my eye. I was looking out towards the Leeds High School and was quite surprised to see two teenagers in a pick-up truck pulling two kids on sleds behind the pick-up! They drove out of the school parking lot and onto the main street of Leeds. They came around the corner at a high rate of speed, so the sleds went way up onto the snow banks on either side of the road, then they stopped and all exchanged places and drove off down Main Street! I not only witnessed this once, but then two nights later, the same thing.

By passing this bill, these kids would not be allowed to have other teens in the car with them, but they also would not be legally allowed to be out driving around after 9 p.m. We need to help protect our children any way that we can.

If Hannah and I can take something terrible and make something good come out of it, then we have to say that perhaps it was all worth it. If anything can be gained by what we have experienced in these past 3 years to help others, then we must make it known. Thank you for listening to my story today and for considering this bill, which I believe will help keep all teenage drivers in ND much safer. This is a small price to pay for our children's lives. Thank you.

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January 28, 2011

Dear Transportation Committee Member;

We are writing to ask you to recommend that the Transportation Committee NOT support House Bill 1256.

This bill is too extreme for us in North Dakota. It takes away driving privileges for 14 and 15 year olds. It puts many restrictions on 16 and 17 year old drivers and doesn't even allow a full drivers license until age 18 in some circumstances. Some of the restrictions that it adds are very illogical, such as not having more than 1 passenger or driving after 9 pm, and requires additional driver training also. If you want to have more training, say 25 hours behind the wheel, that may be OK, however, we do not want the age changed or any of the other restrictions added to the law.

In our family we have 3 children. Our oldest is 17 years 3 months old and has been driving for over 3 years already and is a terrific driver. He received his permit at 14 years and 1 month. He then drove with us for about 6 months when he then had drivers training. He received his license in June of 2008 at age 14 years and 8 months. He has never had any accident or incident driving.

Our second son is 14 years 8 months old and has been driving for 8 months. He received his permit when he was 14 years old. He, like his older brother, then drove with us for 6 month while building experience behind the wheel. He also had drivers training last summer and in November 2010, when he was 14 years 6 months old, he received his driver's license. He too is a terrific driver. He has never had any accident or incident while driving.

My wife and I live 4 miles from our town, Berthold, and are very glad that they are able to help us out sometimes by driving to school, driving to town to run errands, driving to church group, helping move machinery, and also helping us all over on the farm. All of this wouldn't be possible without them having their driver's license.

We also have a child who is 12. We know that it will not be long and we may need him to do a lot of the same types of things by driving.

We believe that here in North Dakota, we already have sufficient training and rules in place for beginning drivers. We believe that there is a right age for beginning drivers to learn about driving and also that young people that are 14 years old may listen, learn, and respond better to adults who are helping them be good drivers than when they are older. We also believe that the parents know their children better than anyone else, and they should be left with the decision of when their children should be allowed the privilege of getting their drivers license.

We hope you feel the same as we do on this matter. Thank you for your time and consideration to vote against this bill.

Sincerely,

Mark & Arlys Knudsvig  
Berthold, North Dakota

## HB 1256 - Graduated Drivers Licenses

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Testimony in opposition to HB 1256

Friday, January 28, 2011 8:30 AM - Fort Totten Room

Hon. Representative Dan Ruby- Chairman of the Transportation Comm

Chairman Ruby and members of the Transportation committee, my name is Jerry Saude. I thank you for this privilege and I am here to ask that you recommend to your House colleagues, a **DO NOT PASS** on **HB 1256**.

Specifically I am here to express my thoughts on the aspects of this legislation that will further restrict the licensing of our young ND drivers who now may be licensed after 6 months with a valid ND permit. I understand that out-of-state interests are crying for national standards and want ND to fall in line with their guidelines. I am asking you to not fall for that "worst case thinking" principle.

Before I go any further, I would like to make it very clear, a driver's license at any age, is a privilege. And like any privilege, it must be accepted and exercised only within the laws this legislative body implements.

I am here today to explain why I do not want this privilege restricted in the ways outlined in the bill. I do not see the need for this attack on 14 & 15 year old drivers or soon to be drivers who have yet to demonstrate one violation of ND law. I am always fearful when a rule making body judges the whole on the actions of a few, when they lump together the good and the bad. When in fact, rules should be in place to protect the good and restrict the bad. In my view this legislation appears to already label our young citizens as a public danger and nuisance on the highways of our state. My oldest son is currently in 7<sup>th</sup> grade at Horizon Middle School here in Bismarck. He is a few points shy of a straight "A" report card this week. He plays basketball and enjoys X-Box, he's involved in our church, and has even tried Lutefisk for us. We are quite proud of him.

We live in the country and he has been given driving lessons and is very helpful in driving the pickup and trailer so I can load bales during hay harvest. When his 14<sup>th</sup> birthday comes on August 29<sup>th</sup>, we look forward to taking him into town for his permit. We will assess his driving skills during the next

month period and then decide if we think he should take his final test and apply for a state license. If he passes the legal requirements for a license, great! If not, he will start over. The present system works as I see it. I've heard the complaint that too many 14 year olds aren't ready for the highways by themselves. But shouldn't that fact be found in the testing process or within the enforcement of the highway laws. I'm not opposed to penalties that will take the license from new drivers who violate the laws enacted by this body. But don't restrict this privilege as the bill intends to do on every 14 & 15 year old.

I'm quite confident that every person in this room has heard many times how valued our ND raised work force is. And that generally comes from out-of-state employers. Why is that? What makes these young people so sought after? What do we do in our schools, clubs, extracurricular activities and our homes, that build these fine young men and women?

My personal thought it this: we give them responsibilities and we give them freedom to soar and also to make mistakes, we give them instruction and we give them an education in institutions of higher learning and schools of hard knocks. We give them wings and yet we give them roots. Sometimes they fly and sometimes they return. But we give them the choice.

A Canadian researcher recently shared this quote at a meeting I attended. Her office was dealing with the brick wall of federal bureaucracy. I'm not equating HB 1256 with terrorism, but I also didn't want to adulterate the quote , as it spoke to me in other ways.

"There's a certain blindness that comes from worst-case thinking. An extension of the precautionary principle, it involves imagining the worst possible outcome and then acting as if it were a certainty. It substitutes imagination for thinking, speculation for risk analysis, and fear for reason. It fosters powerlessness and vulnerability and magnifies social paralysis. And it makes us more vulnerable to the effects of terrorism.

Worst-case thinking means generally bad decision making for several reasons. First, it's only half of the cost-benefit equation. Every decision has costs and benefits, risks and rewards. By speculating



## HB 1256 - Graduated Drivers Licenses

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about what can possibly go wrong, and then acting as if that is likely to happen, worst-case thinking focuses only on the extreme but improbable risks and does a poor job at assessing outcomes." *By Mr. Bruce Schneier*

This body might consider amending the present penalties for unsafe driving, but I ask you to stop this bill now.

Jerry M Saude  
1919 162<sup>nd</sup> Ave NW  
Bismarck ND  
224-0963  
District 47



Good morning Chairman Ruby and members of the committee. My name is Dennis Burdolski and I stand here to share events surrounding my daughter Lisa's death in a vehicle operated by 15 year old driver. Originally I was going to read you a narrative I've written about the night Lisa died, but I have decided to focus on the emotions a father experiences after the death of his child in a vehicle accident. I have included the complete narrative in my written submission.

FIRST: You feel complete disbelief and confusion:

Denial occurs immediately. Lisa was never brought to the hospital with the survivors. North Dakota state law requires an autopsy be performed on any unattended death therefore her mother and I were never afforded the chance to say goodbye-fostering the disbelief. Upon returning home we had the undesirable task of telling her sisters that she wasn't coming home. Sleep deprivation adds to the surrealness but you must shove the denial aside. Preparations must be made; selecting a funeral home, casket, readings, music and other details for her funeral.

NEXT: Feelings of regret and questions of why and could have I stopped this?:

Her mother and I visited the crash site the next afternoon after the Highway patrol had finished their investigation. We found a wide open gravel road--one like others in abundance in North Dakota. It estimated an overcorrection led to the roll-over.

You wonder if she suffered.

For Lisa, the vehicle rolled multiple times and ended up striking a tree. Her autopsy report said Lisa died of blunt force trauma to the back of her head--most likely caused by the vehicle roof--and most likely instant death occurred. In a strange way you feel relief that she didn't die slowly on the cold prairie.

After the funeral, frustration overtakes you.

Friends don't know how to approach you or what to say. Legalities begin bring a whole other level of frustration because what a person can recover from the ND No-fault insurance is woefully inadequate--but that is a topic for another day.

Finally, thru time, the shock and displacement you feel becomes less frequent but you still wonder if this is just a bad dream.

I cannot fully convey the hollowness when you feel the daily realization that your 14 year old daughter is lying in a grave at St. Mary's Cemetery. I stand here in support of HB1256 because the driver of the vehicle Lisa died in was a 15 year old. Through the processes HB1256 enacts, I am confident other families will be spared the circumstances my family has endured.

Those opposed to HB1256 argue it restricts freedoms and is unnecessary. I contend it is completely necessary. Additionally, this not a city versus rural issue; it is true this driver grew up on a farm but that is irrelevant; these types accidents happen anywhere.

I find it ironic in this state it is more difficult to get a hunting license than a driver's license. It can be argued that in certain circumstances motor vehicles are as deadly as firearms. Since they are more readily accessible, the process to become a licensed driver must be equally as comprehensive as those to wield firearms. Critics are quick to cite shortcomings of previous bills but I assert issues contained in previous bills have been resolved. HB1256 is a good bill for all citizens of North Dakota!

In closing, thank you for allowing me to speak. You have the power to prevent similar tragedies from reoccurring. We have the power to systematically develop young drivers' skills so other parents won't experience similar events. I challenge each of you to become champions for passage of HB 1256 and to convince your colleagues to do the same.

Between 2009 was an unseasonably- warm day and evening. My wife, Becky, and I took our nine-year-old daughter for treating to returned home about 8:10 PM, in time to talk to Lisa and her four friends. I recognized Desi and Tarin I was introduced to Amber and Kadie. Before departing Becky told all the girls to make sure they were wearing their seatbelts. Becky's last words to Lisa were "be safe". We joined out neighbors for what we would discover were the last "normal" 30 minutes of our lives.

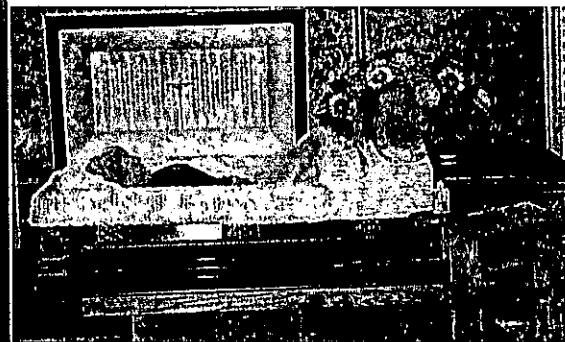
The time of the call, 9:04PM is permanently etched into my mind. The caller, Desi's mother, in a frantic voice said there had been an accident and that Lisa wasn't breathing. We asked where they were but we couldn't get definitive answer— gravel road ant night. She said we should meet them at the hospital. We arrived at the hospital quickly. No one had any information to share. From the letters on the back of his jacket, I noticed a sheriff's department representative had arrived, but he went straight to the back, again no news to share with us.

What was only minutes seemed like hours. Finally, we overheard through a radio that the ambulance was two minutes out. We made our way outside to the loading garage entrance hoping to catch a glimpse of Lisa. Two ambulances pulled in but at that distance it was difficult to see who was who. I only counted 4 stretchers.

I knew.

We went inside and after a few more minutes, the sheriff I saw earlier asked who was there for Lisa. He asked us to step into a separate room. The door closed, he introduced himself as Dan Sweeney, a chaplain for Sheriff's department. His next words were, "As you know there was an accident tonight. I am sorry to say Lisa didn't make it." ... and she was gone...

four stretchers contained the other four girls. Tarin and Amber were critically injured--neither was expected to make it but did. Tarin has recovered for the most part but Amber will never walk again.



Good Morning Mr. Chairman and members of the House Transportation Committee. My name is Rhonda Boehm and I am from McClusky, North Dakota. My husband and I own and operate a 3<sup>rd</sup> generation Farm and Ranch in central North Dakota. Our older son Levi is the 4<sup>th</sup> generation just beginning to have ownership on our family farm/ranch. I stand before you today to testify in favor of House Bill # 1256.

It may be questioned why I'm in favor of Bill # 1256 because I am a farmer/rancher in a rural community; so I will give you a very brief testimony as to my reasoning....

Here is my summarized version of my personal experience which has been a very long difficult road. In 2002 my son Eric (age 14) was driving home from one of our fields on our country gravel road when he lost control of the vehicle and was seriously injured. He suffered a Traumatic Brain Injury; where he was in a coma, he was unresponsive for 2 1/2 months; and endured 4 years of hospitals and therapies to relearn, and regain his life back all over again. Eric is still working out with therapies, and walk aides and more. This has been the most devastating, and challenging time for my son Eric along with me (Eric's mom) and our family. It could have possibly been prevented if he wasn't allowed to drive alone at the age of 14 and the Drivers License Law would have required him to have more time to mature, gain responsibility, and awareness.

He is now almost 23 years of age and still has many deficits and struggles as a result of this vehicle accident and will for the rest of his life. We live in a rural, mostly farming community and many people feel it is necessary for the driver's license age to be fourteen because they need to be able to drive to activities, help on the family farm, and maintain the typical busy schedule. I feel.....they are too young.

Eric's life was changed dramatically forever, because he was driving alone at the age of fourteen. Even though there were many times I felt he was too young, he was of the age to obtain a drivers license. To leave the decision up to the parents when and where to let their child drive when they have their driver's license at the age of 14 is very difficult because of many things; such as peer pressure, the fact they have their driver's license so why can't they drive, us as parents knowing, thinking, and questioning all in one that its "okay" for them to drive because they have their license so we allow them to drive. We remind them to be careful, the do's and don'ts, drive slow, pay attention, etc..... one problem.....they are still kids who are generally going through puberty, maturing and all types of early teenage year challenges.

Having the privilege and responsibility to have a North Dakota State Drivers License can certainly be viewed in many aspects. I believe that a junior high student fourteen years of age is too young to be alone and allowed total control of a motor vehicle. Under most circumstances a fourteen year old does not possess the experience, awareness, quick response, and total attention required to operate a motor vehicle. They are too easily distracted and in-experienced because their maturity level is just that...they are only fourteen years old.

If House Bill # 1256 passes, the students will drive at a "Graduated" age which will enable them to have more experience, guidance, and awareness behind the wheel before they are allowed to be driving alone by North Dakota State Law.

The State of North Dakota will continue to allow our children the privilege of obtaining a driver's license; but with the experience and maturity that is required. Therefore keeping them safe, and protecting our future generations along with other drivers on the roads of North Dakota. I am asking you to please support bill # 1256.

Thank You

## Testimony

## House Bill 1256

## House Transportation Committee

Friday, January 28, 2011; 8:30am

## Parent Support – Bobbi Paper

Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Bobbi Paper and I am a proud parent of a teenage driver. I am here to testify in support of House Bill 1256.

I am here to testify not because I am a parent who has lost a child in a car crash, but as a parent who wants to prevent a tragedy not only to my family, but also to other families. As the parent of a teenage driver, I feel North Dakota's current licensing system doesn't fully protect young teen drivers and other motor vehicle occupants. While I have control over when my son drives, who he drives with, and where he drives to, I do not have control over other young drivers and their possible and probable inexperience. As a parent and lifelong North Dakota resident, I expect my state and its lawmakers to do what is best for our children and to create and approve laws that protect them. We look to the law for guidance and assistance to help us choose what is best for our children. This law will not govern how we parent our children; however it will serve as a tool to guide parents to do what is safest for our children. A system that focuses on providing experience while limiting such risks as nighttime driving and unnecessary distractions makes sense.

My son is currently in the permit phase for obtaining his license. He will hold that license for at least one year so he can gain the experience necessary to be a safe driver. He will drive in all weather conditions, at night and on a variety of road surfaces. He will not use a cell phone while behind the wheel. It's important to both of us that he be a safe driver. Unfortunately our current licensing system permits the licensing of young drivers after no more than a six-month permit. That is not enough experience. The state's crash data makes that clear. It's time to implement a licensing system that develops young drivers – not one that just serves to get them licenses the quickest way possible. Please vote yes on House Bill 1256 to save lives in North Dakota.

Testimony in support of HB 1256

Carrie Sandstrom

Mr. Chairman, members of the committee, my name is Carrie Sandstrom and I'm a junior at Century High School. I'm also a member of the Students Against Destructive Decisions Northern Lights Advisory Board, which serves North Dakota, South Dakota, and Minnesota.

It's not only parents who favor a graduated driver's license, many teens support it too.

In North Dakota, individuals can receive a full fledged drivers license with only six months of instruction at a time when the decision making portion of their brain is not fully developed. At this time additional practice is necessary to help young drivers develop life saving defensive driving habits- experience can make the difference between a graduation certificate and a death certificate.

We cannot remain oblivious to the stark reality that teens are dying on our roadways. My peers and I are over represented in regards to traffic collisions and will continue to be unless preventative measures are taken.

Parental guidance is not enough to solve the problems facing teens on the road. One lenient parent allowing their child to drive without adequate experience endangers countless other individuals, and that is not acceptable.

This bill ensures that all teens are prepared to handle the responsibility of unlimited driving privileges, privileges that too many now regard as rights. I'm sixteen now, the age at which this bill would permit teens to drive unrestrained, many of my friends are just beginning to drive and I wish I had had more experience.

Letting an inexperienced teen get behind the wheel is gambling your security while driving on their ability to successfully navigate the road and potential obstacles- how much are you willing to bet?

I urge you to pass this bill.



# North Dakota Farm Bureau

*Bringing ag home*

1101 1st Ave. N., Fargo, ND  
P.O. Box 2064, Fargo, ND  
Phone: 701-298-2200 • 1-800-338-2200

4023 State St., Bismarck, ND  
P.O. Box 2793, Bismarck, ND  
Phone: 701-224-0330 • 1-800-338-2200

## Testimony on HB 1256 by North Dakota Farm Bureau House Transportation Committee

*January 28, 2011*

*Presented by Sandy Clark, public policy director*

Good morning, Mr. Chairman, and members of the committee. My name is Sandy Clark and I represent North Dakota Farm Bureau.

We stand today in opposition to HB 1256. Our members are very adamant that they want to maintain the ability for their teenagers to be able to drive without an adult riding age of 14.5 years of age. They want to maintain the 6-month learner's permit ph

So they want to maintain the current 14.5 age to be eligible for a driver's license for all our families. Our members want their teens to be able to drive to events and for transportation for younger siblings. Parents, not the government, should decide if their teens are old enough, mature enough and responsible enough to drive.

We support maintaining the farm exemption provisions. But, like all teens, our members want to drive for more than farm purposes back and forth to town. So we are concerned about the provisions of this bill, as well.

We can accept a couple conditions in the bill. On page 6, line 22--

- 1) We can support "No more than one passenger that is not a family member" but we would suggest that the stipulation be expanded to include school activities and religious activities, instead of limiting it to only "to and from school" the way it is now.

We can also accept some hour restrictions. On page 6, line 26 --

- 2) We particularly object to the hours of 9 pm to 5 am that teens could not drive for school, religious or work activities. We would suggest midnight to 5 am instead, as 9 pm is simply too early.

We think this represents a good compromise. This issue of graduated driver's licensing has been identified as a high priority issue for NDFB.

In conclusion, we oppose HB 1256 in its present form. We would support a teen driver's license program with a license at 14.5 years of age with restrictions, including no more than one passenger that is not a family member and no driving between midnight and 5 am.

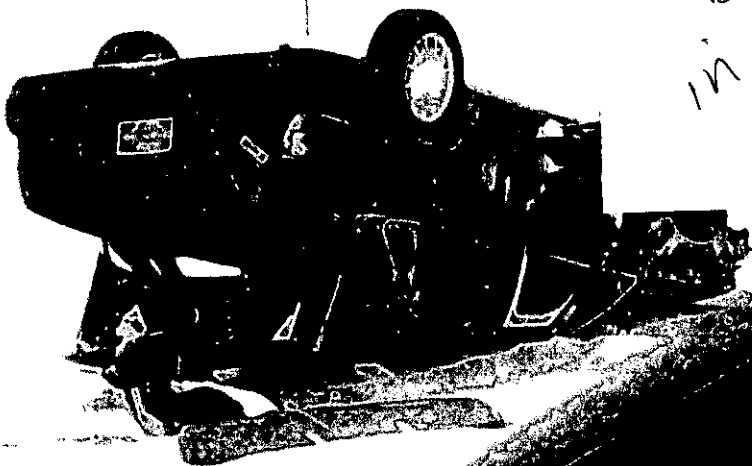
Thank you and I would entertain any questions.



North Dakota

# 2009 Crash Summary

(2011)  
HB 1256  
Prepared  
by DOT  
in response to  
questions asked  
during hearing  
on HB  
1256.



#1

## HOUSE BILL NO. 1256

**Presented by:** Adam Hamm  
Commissioner  
North Dakota Insurance Department

**Before:** Senate Transportation Committee  
Senator Gary Lee, Chairman

**Date:** March 18, 2011

### TESTIMONY

Good morning, Chairman Lee and committee members. For the record, my name is Adam Hamm and I am North Dakota's Insurance Commissioner. I am here in support of Engrossed House Bill No. 1256.

House Bill No. 1256, as introduced, is known as the Graduated Driver License system bill. The bill is the work product of the North Dakota Coalition for Graduated Driver Licensing which consists of over 30 organizations, state agencies and private individuals dedicated to reducing the number of crashes and deaths involving North Dakota's young drivers.

States that have implemented this type of system have experienced significant positive results and have seen a reduction in the number of crashes involving teen drivers. The Coalition sees this as a major public safety issue.

A Graduated Driver License system is based on two factors that have proven to make the novice driver a safer driver. The first is to maximize the experience of the novice driver at the time they receive their initial permit to drive with supervision. The second is to reduce the number of distractions for a period of time to allow the newly licensed driver the opportunity to develop their driving skills without being compromised. The results of implementing these factors in other states have provided positive results by

reducing the number of crashes—crashes that result in death, injury or property damage. Others from the public safety world and individuals who have firsthand knowledge of the negative impacts of not having a system like this will also testify.

The bill before you was amended in the House after lengthy and serious debate in committee. The result of this debate was to change or eliminate some of the components of a Graduated Driver License system from the bill.

In the interest of public safety and with a desire to implement as much as we can of the Graduated Driver License system concept at this time, the Coalition and I are willing to accept the bill in its present format. If in the future we find that the changes this bill will make did not go far enough to give us the positive results we hope to achieve in reducing the volume of crashes, we most assuredly will return. However, in the interest of taking the initial incremental step toward a Graduate Driver License system, we ask that you support Engrossed House Bill No. 1256.

Thank you for the opportunity to testify. I will stand for any questions.

**SENATE TRANSPORTATION COMMITTEE**  
**March 18, 2011 - 8:30AM; Brynhild Haugland Room**

**North Dakota Department of Transportation**  
**Glenn Jackson, Director, Drivers License Division**

**HB 1256**

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Mr. Chairman and members of the committee, I'm Glenn Jackson, Director of Drivers License Division at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

House Bill 1256 provides a positive step toward enabling our youth to learn improved driving skills before they are licensed and released on our highways. It helps create a space where they can learn more effectively how to safely operate a motor vehicle.

**Section 1:** provides a definition of an electronic communication device to clarify exactly the type of device referenced in this bill.

**Section 2:** is language cleanup.

**Section 3:** references the permit phase and also contains some language cleanup. New items are:

- Provides for a twelve month permit phase for those less than 16 years of age.
- Reduces the use of electronic devices by the permit holder.

**Section 4:** provides additional stipulations for the current restricted operator's license, as well as language cleanup. New items are:

- Stipulates that the child has completed 50 hours of supervised driving in various road conditions – These hours are intended to be completed with the parent or adult, not driver's education.
- Limits night time driving after 9 PM or sunset, whichever is later, and before 5 AM, except that driving to or from work, an official school activity or religious activity may be accomplished, or if there is an adult in the vehicle
- Limits the use of electronic communication devices.

**Section 5:** makes modifications to point to changed statutes through this bill.

**Section 6:** adds a point penalty for violating the conditions of the instruction permit only.

**Section 7:** adds the restriction on electronic devices for all drivers less than 18 years of age.

If you will turn to the attachment to this testimony, we will walk through the chart that shows what is proposed to be changed and the items that do not change through this bill.

Thank you, Mr. Chairman, I would be happy to answer any questions.

ITEM	CURRENT POLICY	PROPOSED POLICY
<b>Learning Phase</b>  <i>Learner's Permit - Minimum Age = 14</i>  <i>Pass written &amp; vision test</i>  <i>Parent/legal guardian authorize</i>	<ul style="list-style-type: none"> <li>- Permits new drivers to drive when accompanied by a parent or adult 18 or older who has held license in like vehicle for three years</li> <li>- Must hold permit for a minimum of six months</li> </ul>	<ul style="list-style-type: none"> <li>- No change</li> <li>- <u>12 month learner period (6 months if 16 or older)</u></li> <li>- <u>50 hours supervised driving experience in varied conditions (gravel roads, winter weather conditions, nighttime, rural and urban roads) - Parental or adult supervision, not drivers education</u></li> <li>- <u>No electronic communications device use (except for emergencies) until 18 yr old</u></li> </ul>
<b>Initial Driving Phase</b>  <i>Restricted Operators Class D License</i>  <i>Applies to drivers age 15 only</i>	<ul style="list-style-type: none"> <li>- Successfully complete permit phase</li> <li>- Pass road test</li> <li>- Limited to driving parent/gaurdian's vehicle</li> <li>- Complete drivers education if under 16</li> </ul>	<ul style="list-style-type: none"> <li>- No change</li> <li>- No change</li> <li>- No change</li> <li>- No change</li> <li>- <u>No driving between sunset or 9PM, whichever is later and 5AM; exceptions work, school, religious activity, or with adult in vehicle</u></li> <li>- <u>No electronic communications device use (except for emergencies) until 18 yr old</u></li> </ul>
<b>Unrestricted Driving Phase</b>  <i>Unrestricted Class D License</i>  <i>Age 16 and older</i>	<ul style="list-style-type: none"> <li>- Pass road test</li> <li>- Successfully complete permit phase</li> <li>- No limits on passengers or driving times</li> </ul>	<ul style="list-style-type: none"> <li>- Not required if completed Restricted Class D Operator License</li> <li>- No change</li> <li>- No change</li> <li>- <u>No electronic communications device use (except for emergencies) until 18 years of age**</u></li> </ul>
<b>Farm Exemption</b>	<ul style="list-style-type: none"> <li>- No exemption to licensing requirement</li> <li>- Restricted Class D holder aged 14/15 may operate farm vehicles less than 50,000 pounds *</li> <li>- Farm exemption for 16-17 year olds</li> <li>* Actual minimal license age 14 yr 6 mo.</li> </ul>	<ul style="list-style-type: none"> <li>- No change</li> <li>- <u>May operate farm vehicles less than 50,000 pounds if 15 years of age</u></li> <li>- No change</li> </ul>

#2

**SENATE TRANSPORTATION COMMITTEE**  
**March 18, 2011 - 8:30AM; Brynhild Haugland Room**

**North Dakota Department of Transportation**  
**Glenn Jackson, Director, Drivers License Division**

**HB 1256**

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#3

**SENATE TRANSPORTATION COMMITTEE**  
**March 18, 2011 - 8:30 a.m. – Lewis and Clark Room**

**North Dakota Department of Transportation**  
**Linda Butts, Deputy Director for Driver and Vehicle Services**

**HB 1256**

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Good morning, Mr. Chairman and members of the committee. I'm Linda Butts, Deputy Director for Driver and Vehicle Services. Thank you for giving me the opportunity to present information to you today.

At the DOT, our number one concern is safety—including the safety of our young teenage drivers. Many of our safety solutions are based upon sound engineering and driver behavior. In our opinion training and driver experience enhance safety.

Nationally 40 percent of teen deaths are a result of a motor vehicle crash for teens age 14-17. Unfortunately, this is also true in North Dakota, in which 39 percent of teen deaths are a result of motor vehicle crashes. Since 2005, North Dakota has lost 101 teens in motor vehicle crashes. Of this number 78 percent were driving the vehicle. In fact, 14 and 15 year old drivers are proportionally involved in more crashes than any other age group. (See attached charts.)

These numbers are much too high, as even one life lost is one too many. Now is the time to make a change to keep our teens safer behind the wheel.

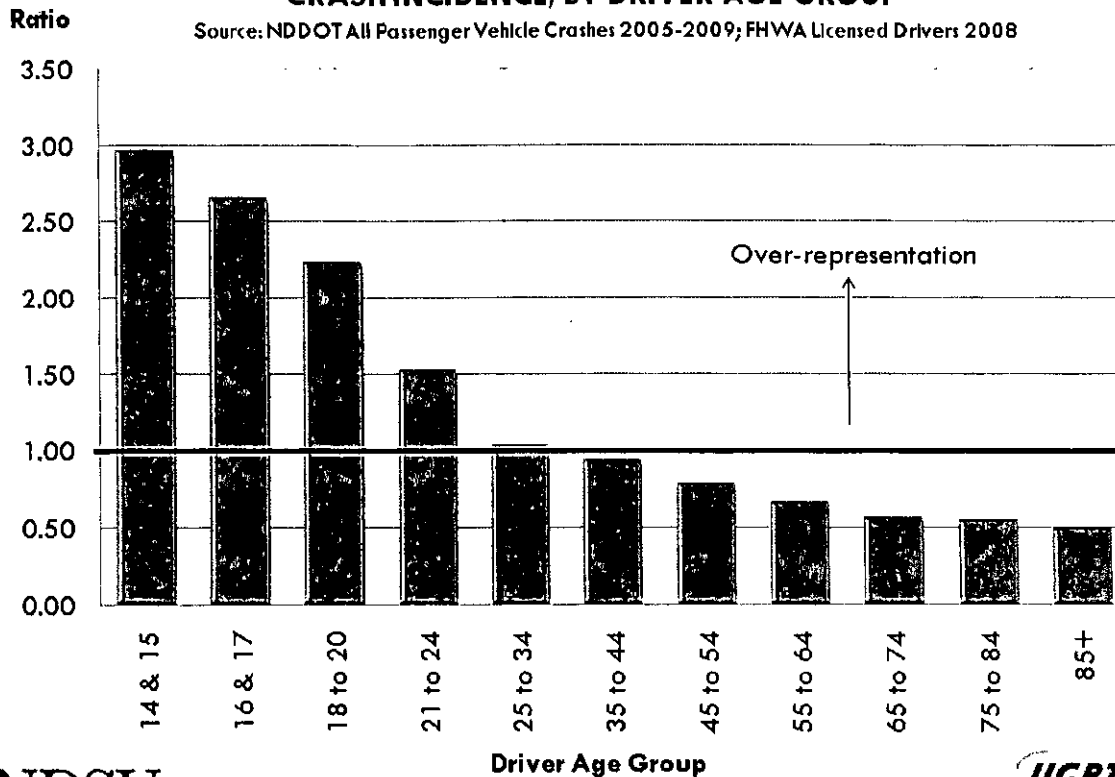
As the Deputy Director for Driver and Vehicle Services, my number one concern is the safety of the traveling public. Supporting this bill means safer drivers and safer roads.

Thank you, Mr. Chairman, I would be happy to answer any questions.



## CRASH INCIDENCE, BY DRIVER AGE GROUP

Source: NDDOT All Passenger Vehicle Crashes 2005-2009; FHWA Licensed Drivers 2008



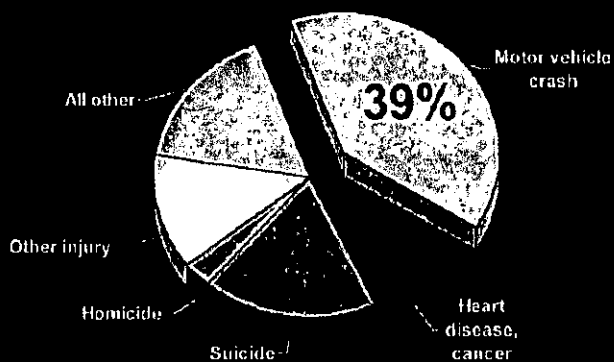
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**UGPTI**

Enhancing mobility of people and goods in rural America.

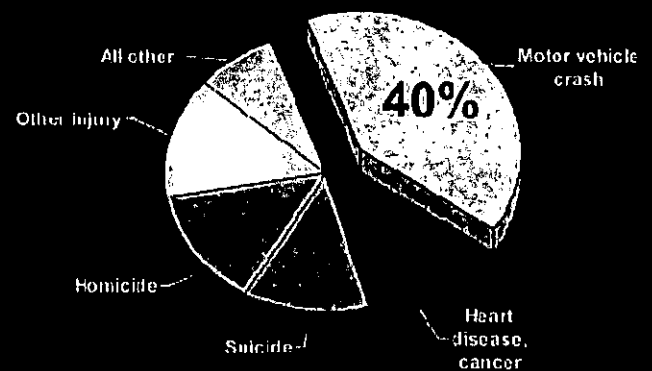
## Leading Cause of Death

North Dakota, Ages 14 - 17



## Leading Cause of Death

United States, Ages 14 - 17



# 4

**Testimony in Support of HB 1256**  
**Senate Transportation Committee – March 18, 2011**  
**Gene LaDoucer, AAA North Dakota**

Good morning, Chairman Lee and members of the committee. My name is Gene LaDoucer, and I represent AAA North Dakota, the local motor club that serves 60,000 members across the state.

As you have heard, the licensing of young drivers presents a challenge for all of us. The need for a system of licensing that places priority on the safety of teens and those of us who share the roads with them is clear. A system that does anything less reflects acceptance of the significant overrepresentation of teen drivers in fatal and injury crashes in our state.

As crash data shows:

- From 2001-2009, teen drivers were involved in almost 35,000 crashes, and
- While they account for only 6.6 percent of all drivers in the state, teen drivers have been involved in 19.5% of fatal crashes and 30.7 % of injury crashes since 2001.

I have attached the results of a recent survey of North Dakota parents conducted to find out their thoughts on the licensing of teen drivers. The survey, conducted of almost 1,000 parents of 15 and 16-year olds from 49 of the state's 53 counties, found strong support for changes to the current licensing system.

Under North Dakota's current licensing system, teens can obtain a permit at age 14 and drive without supervision or restriction as early as age 14 years and six months. While parents strongly support the ability of a teen to obtain a permit at age 14, they just as strongly believe unrestricted licensing should be limited to those 16 or older. This bill provides for at least some of the protections parents seek for their children.

Other smaller surveys, of both parents and the general public, have yielded similar findings:

- In a 2008 survey conducted by the Rural Transportation Safety and Security Center at North Dakota State University, parents of teenagers recommended lengthening the permit holding period to 12 months and requiring 50 hours of supervised driving.
- A survey of AAA members in North Dakota found that 82 percent support limiting passengers to one non-family member; 89 percent support a nighttime driving limit; and 97 percent support restricting cell phone use while driving, and
- Seventy-eight percent of respondents to a recent online poll conducted by the Fargo Forum said "yes" when asked if North Dakota should extend the permit period to 12 months.

It is clear there is widespread support for the provisions contained in HB 1256. While it does not provide for a graduated licensing system as outlined in the original bill, it does create a system that emphasizes experience for North Dakota's youngest drivers.

Mr. Chairman, and members of the committee, on behalf of AAA North Dakota I urge a "Do Pass" recommendation on HB 1256.

## **HB 1256: Frequently Asked Questions**

### ***Q. Why should the government be so involved with the licensing of young drivers?***

A. It is a function of state government to provide a licensing system that provides for the safety of all road users. A licensing system should allow teens to ease into complex driving situations, beginning with low-risk conditions and gradually gaining exposure to more challenging driving conditions over an extended period of time. Surveys, including a recent one conducted in North Dakota, have shown parents strongly support licensing systems that help protect their children during one of the most dangerous periods of their young lives.

### ***Q. Shouldn't it be the parent's responsibility to manage their child's driving?***

A. Parents do have a great deal of responsibility when managing their child's driving. This responsibility would not be removed by HB 1256. The fact is, many parents are unaware of how best to address the risks novice teen drivers face. Parents often look at existing policy to determine what is considered safe or acceptable. A review of crash statistics would indicate the current licensing system can be improved upon. In North Dakota, from 2001-2009, teen drivers were involved in almost 35,000 crashes and, while they account for only 6.6 percent of all drivers, teens have been involved in 19.5% of fatal crashes and 30.7% of injury crashes since 2001. A licensing system should provide a framework in which parents can work to ensure their teens obtain experience while limiting risks.

### ***Q. Why have a night driving limit when it's impossible to enforce?***

A. Night driving provisions are meant to keep novice drivers off the roads during a high-risk period—between 9 p.m. and 5 a.m.—while they gain experience. Active law enforcement isn't necessary for the night driving limit to work (save lives). Law enforcement officers just need to enforce traffic laws as they always have. The experiences of other states indicate teens abide by provisions of their state's licensing system. When they understand the reasons for short-term restrictive provisions, novice drivers and their parents are generally inclined to work within the system.

### ***Q. Traffic crashes are an urban issue. Why would teens in rural areas need restrictions like those being proposed?***

A. Crashes are actually a much greater threat in rural areas. Although more crashes occur in cities, they are mostly minor; whereas crashes in rural areas are far more deadly. During the last five years, 92% of teen fatal crashes in North Dakota occurred on rural roads. It should also be noted that even in North Dakota's rural counties, fewer than 10 percent of 14 year olds have their license.

### ***Q. Don't the changes proposed punish everybody for the bad behavior of a few?***

A. The changes should not be viewed as a form of punishment. They are designed to minimize risk while novice drivers gain necessary experience to become safe drivers. In doing so, it protects novice drivers, and everyone else on the road.

### ***Q. Why not do something about elderly drivers? They're the real problem.***

A. While elderly drivers are a concern as crash rates begin to increase in drivers over 65 years of age, teen drivers are a much greater risk. In North Dakota, data from 2001-2008 shows teen drivers are overrepresented in crashes—while they make up less than 9 percent of licensed drivers, they accounted for 24 percent of total crashes. Drivers age 65 years and older, on the other hand, are underrepresented in crashes—while they make up 17 percent of licensed drivers, they account for only 13 percent of total crashes.

### ***Q. Does HB 1256 create a Graduated Drivers Licensing (GDL) similar to those in other states?***

A. While the bill contains some of the elements of a GDL system, it does not create such a system. While teens who obtain their permit at age 14 will, in effect, proceed through a process similar to GDL, teens who start later will not. GDL systems are designed to maximize driving experience while limiting risk through a series of three mandatory stages. HB 1256 provides for two of the three stages and teens will progress through the system based on age, not their level of experience.



## **North Dakota Coalition for Graduated Driver Licensing**

*(Member list as of Feb. 1, 2011)*

**AAA North Dakota**  
**Altru Health System**  
**Association of North Dakota Insurers**  
**Children's Defense Fund—North Dakota**  
**Girl Scout Troop 30604**  
**Head Injury Association of North Dakota**  
**Indian Health Service**  
**Medcenter One**  
**North Dakota Academy of Family Physicians**  
**North Dakota Chapter, American Academy of Pediatrics**  
**North Dakota Council, Emergency Nurses Association**  
**North Dakota Department of Health**  
**North Dakota Department of Transportation**  
**North Dakota Driver and Traffic Safety Education Association**  
**North Dakota Highway Patrol**  
**North Dakota Hospital Association**  
**North Dakota Insurance Department**  
**North Dakota Medical Association**  
**North Dakota Parent Teachers Association**  
**North Dakota Public Health Association**  
**North Dakota Safety Council**  
**Northern Lights SADD**  
**St. Alexius Medical Center**  
**Safe Kids Fargo/Moorhead**  
**Safe Kids Grand Forks**  
**Safe Kids North Dakota**  
**Safety Clan, Turtle Mountain Tribe**  
**Sanford Health**  
**State Farm Insurance**  
**Individual Parent and Safety Advocates**

***Maximize Experience, Minimize Risk***

# Teenage Driver Risks and Solutions in North Dakota: Parental Knowledge and Opinions

Findings from the 2010  
Statewide Parent Survey  
Regarding Teen Driver  
Issues



December, 2010

# **Teenage Driver Risks and Solutions in North Dakota: Parental Knowledge and Opinions**

Findings from the 2010 Statewide Parent Survey  
Regarding Teen Driver Issues

**Center for the Study of Young Drivers  
University of North Carolina – Chapel Hill**

December, 2010

## BACKGROUND

Motor vehicle crashes are the leading cause of death among teenagers throughout the United States and in North Dakota as well. In recent years, policy-makers and traffic safety professionals have taken a number of steps to address this problem. Foremost among these is the implementation of a new approach to training young drivers known as graduated driver licensing (GDL). In brief this incorporates current scientific understanding of adolescent development and principles of how humans learn cognitively complex behaviors into a state's driver licensing process. Rather than basing licensing on the ability to pass a test, this new approach is designed to ensure that all new drivers follow a series of steps to full licensing so they have adequate time and opportunity to learn the many things involved in driving safely. Two dozen studies have examined the effectiveness of this approach. The results are striking, indicating that GDL reduces crashes among young drivers from 20% to 38%.<sup>1</sup>

A key element in the improved young driver safety produced by GDL is the active and appropriate involvement of parents, both in initially helping adolescents to learn how to drive safely and in monitoring their driving-related behaviors. Parents also play a crucial role in ensuring their teenagers' adherence to regulations meant to promote driving safety. In a GDL system, driver licensing policy and parents of teenagers work together to produce new drivers who are less likely to make 'novice mistakes.' Besides knowing how to handle a vehicle, teens licensed through a GDL system acquire and apply wisdom about the many aspects of driving that can only be developed through extensive experience.

Because parents must be extensively involved as their teens learn to drive, their knowledge about driving and their concerns about teenage driving risks play an important role in the success of a GDL system. Additionally, their understanding of the driving environment and conditions in the area where their child will initially be doing most of his or her driving contribute significantly to how a licensing policy should be structured. Accordingly, a survey of the parents of teenagers in North Dakota was undertaken to learn what they think about teenage driving issues – including risks and policies to address those risks – as well as their experience with a beginning teenage driver. The procedures of this survey and several key findings regarding parents' opinions about teen driver licensing policies are described here.<sup>2</sup> Additional results concerning other issues will be presented in a subsequent report.

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<sup>1</sup> Shope, JT (2007) Graduated driver licensing: review of evaluation results since 2002. *Journal of Safety Research*, 38(2), 165-175.

<sup>2</sup> The sampling design and questionnaire for this survey was developed by the Center for the Study of Young Drivers at the University of North Carolina – Chapel Hill, in conjunction with members of the driver licensing, safety and transportation research communities in North Dakota. Funding for development and conduct of the survey was provided by the U.S. Centers for Disease Control.

## PROCEDURES

Households were randomly sampled using an approach known as stratified sampling designed to ensure that all regions of the state were appropriately represented. Stratification is a statistical sampling technique used to ensure that certain segments of a population are not inadvertently over- or underrepresented. The use of stratified sampling ensures that enough interviews are obtained from each subgroup of interest to reliably describe the views of all members of that group.

Because of the uneven distribution of the population in North Dakota, with 57% residing in only 5 of the state's 53 counties, it was important to ensure that interviews were conducted in a wide range of rural counties. Both crash likelihood and crash severity are closely related to the urban-rural nature of the driving environment. Accordingly, the state was divided into three strata representing the more rural and more urbanized areas. These are described below. A minimum of 200 interviews were obtained from each stratum, to ensure that the full continuum of urban to rural counties was adequately represented in the final sample. In total, 972 interviews were conducted with families residing in 49 of the state's 53 counties.

**Urban** – the five largest counties, with a median county population of 70,000. This stratum represents about 57% of the state's total 2009 population (363,734). Most driving by teenagers in these counties takes place in cities and towns.

**Small Town Rural** – 8 counties in which a substantial proportion of the population lives in a town or small city. In these counties, a substantial amount of driving by teenagers takes place in populated areas with relatively low speed limits, but there is also a large amount of driving at higher speeds on rural roadways. The median population of these counties is 15,000. This stratum represents 20% of the state's population (125,624).

**Completely Rural** – the remaining 40 counties that do not fall into either the Urban or Small Town strata. The large majority of driving by teenagers in these counties is on rural, high speed roads. The median population of these counties is 3,250 and the stratum represents about 23% of the state's population (150,357).

Interviewers called randomly selected phone numbers for households likely to contain a teenager and asked to speak to the parent of a 15- or 16-year-old, if there was one in the household.<sup>3</sup> Further screening was employed to locate the adult most familiar with the teen's driving for those who had begun to drive. This was typically the person who had supervised the teen's initial driving experience. Questions covered a range of topics, generally focusing on parents' concerns about young driver safety in North Dakota, their experiences and actions as their teen began to drive, and their beliefs and opinions regarding potential ways to address teen driver safety.

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<sup>3</sup> Interviews were conducted by the ETC Institute, a survey research firm with extensive experience conducting transportation related surveys.



## RESULTS

### *Characteristics of the Sample*

Table 1 provides a summary of characteristics of the teenagers whose parents were interviewed.<sup>4</sup>

Table 1. Characteristics of the Sample

<i>Characteristic</i>	<i>%</i>
Age	
15	50
16	50
Sex	
Male	52
Female	48
License type	
Regular	74
Learner permit	16
None	10
Residence (stratum)	
Urban	53
Small town rural	25
Completely rural	23
Total Interviewed (n)	952

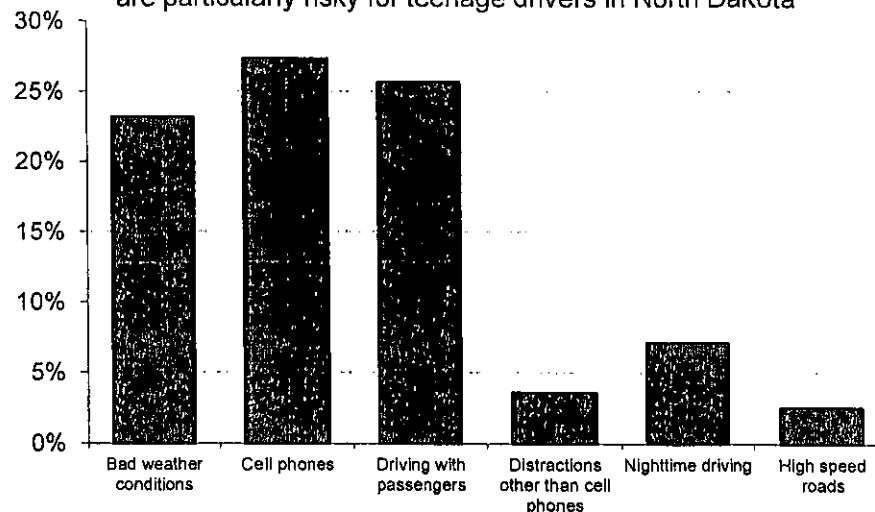
The results reported below provide accurate representations of parental opinions throughout the state as a whole. Although more rural areas were slightly over-sampled relative to their proportion of the state's population, post-stratification weighting was used to give proper representation to responses from all regions (strata) according to their population. For simplicity, results for the two rural strata are combined when comparisons are made between urban and rural parents.

### *Parent Concerns*

Parents were asked whether there are any driving conditions or situations that they consider to be particularly risky for teenage drivers. Figure 1 shows the main issues about which parents are most concerned. The exact wording of the question is given as the Figure title. Three issues – use of a cell phone (27%), driving with young passengers (26%) and driving in bad weather (23%) – were mentioned commonly and with nearly equal frequency as the issue of greatest concern. The same issues were of concern to urban and rural parents.

<sup>4</sup> In about 20% of households there were two teens of qualifying age (15 or 16). Some questions pertained to a particular teen, rather teens generally. In these instances, parents were asked about the youngest.

Figure 1. Driving situations/conditions parents believe are particularly risky for teenage drivers in North Dakota



Parents of teens who had completed the 6-month learner period, during which they must have an adult supervisor with them to drive legally, were asked how they felt about this period and whether it was difficult to find time to supervise their teen's driving. Only 7% reported it was difficult to find time to do this. Sixty percent reported that they enjoyed it, whereas 29% said they disliked having to provide this supervision. Parents in rural areas found it somewhat easier to find time to accompany their teen, with 68% saying it was very easy. Sixty percent of urban parents said it was very easy to find time to supervise their teen's driving.

### ***Parent Opinions about Driver Licensing Policies***

After parents were asked about some of their general concerns regarding teen driving safety, they were asked their opinion about things the state of North Dakota could do to improve safety by establishing various licensing regulations that other states have adopted.

Parents were asked their opinions regarding each of the several central elements of a standard graduated driver licensing (GDL) system. These included opinions about

- The age at which teens should be allowed to start driving (both with an adult and unsupervised),
- The minimum duration of a learner permit,
- Limits on nighttime driving for newly licensed drivers, and
- Limits on carrying teen passengers by newly licensed drivers

Questions were carefully worded in a neutral fashion to avoid biasing responses. Although it was recognized that some parents might not understand that rationale for the various options, no explanations for why these might be considered were provided. Each element was introduced as something that "some states" do, followed by a question about whether the respondent thought it was something that North Dakota should do. The results for each of these are presented in the series of figures that follows. The wording of each question is given as the Figure heading.

### ***Driver Licensing Age***

Some national groups believe that the minimum age to begin driving with adult supervision should be 16. Two questions were asked to obtain the opinions of North Dakota parents about the appropriate ages for supervised and unrestricted teenage driving:

*"In your opinion, what is the youngest age that teens in North Dakota should be allowed to get a learner's permit, which allows them to drive only with an adult supervisor in the car?"*

*"In your opinion, what is the youngest age that teenagers in North Dakota should be allowed to drive without any restrictions on time of night or number of passengers?"*

Responses to both these questions are shown in Figures 2 and 3. Most North Dakota parents believe that teens should be able to begin learning to drive at age 14 (44%) or 15 (38%), as long as they have an adult supervisor with them in the vehicle. At the same time, the vast majority (86%) also believe that teens should be at least 16 years old in order to drive without night or passenger limits (beliefs about these limits are described below). Half (48%) believe that unrestricted driving should not be allowed until age 17 or 18.

There is no meaningful difference in the opinions of rural and urban parents about when unrestricted driving should begin. Rural parents are slightly more likely to favor allowing unrestricted driving before age 16 (16% vs. 12% for urban parents). This slight difference is not statistically meaningful (that is, it falls with the survey's "margin of error"). However, rural parents are more likely to believe that it is okay for teens to begin supervised driving at age 14 (50% rural vs. 39% urban).

Figure 2. Youngest age at which teens should be allowed to get a learner permit (to drive only with adult supervision)

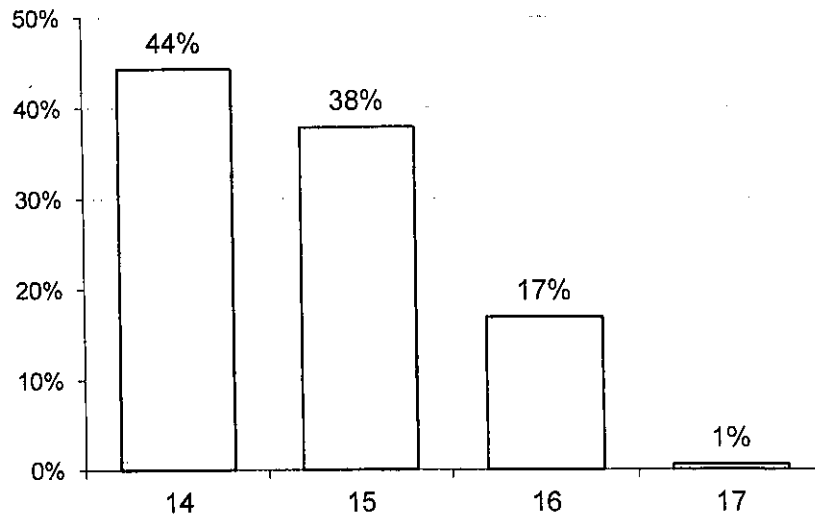
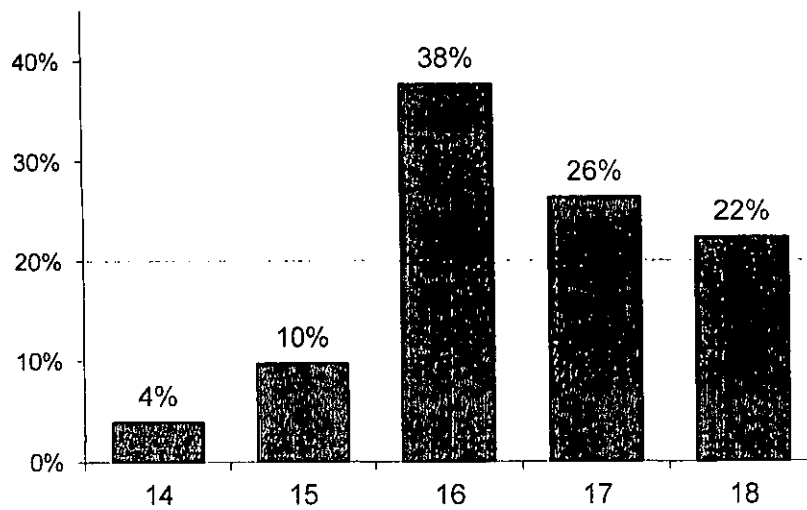


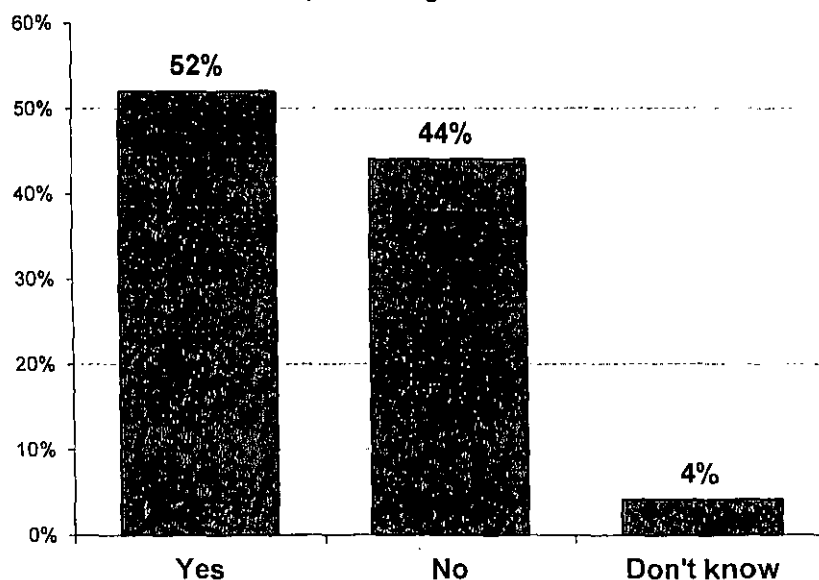
Figure 3. Youngest age at which teens should be allowed to drive without any limits on time or passengers



### **Learner Permit Length**

Young beginning drivers in North Dakota are currently required to drive with a learner permit, meaning they must be accompanied by a licensed adult driver, for 6 months before beginning to drive unsupervised. Partly because of concerns among parents and young driver experts that 6 months is not long enough for beginners to obtain enough supervised experience in a variety of driving circumstances, including all weather conditions, several states require 9 or 12 months of supervised driving. Parents' responses to the question *"North Dakota requires teens to have a learner permit for six months before they are allowed to drive without an adult in the car. Some states require teens to have a permit for 12 months. Do you think North Dakota should increase the permit length to twelve months?"* are shown in Figure 4. Support for lengthening the permit was stronger among parents in urban counties (58%) than among those from more rural counties (45%).

Figure 4. Do you think North Dakota should increase the permit length to twelve months?



Once young drivers in North Dakota have held a permit for the required period of time, they can begin driving without restrictions on the time of night or the number of young passengers they carry. Both these conditions are associated with substantial increases in the risk of a crash and a driver fatality among teenagers. Driving after 10 p.m. triples the risk of a driver death among teens in their first year or two of driving. Carrying young passengers doubles the rate of driver deaths.<sup>5</sup> For this reason most states place limits on teens' driving in these conditions for their first 6 months of driving without adult supervision.<sup>6</sup>

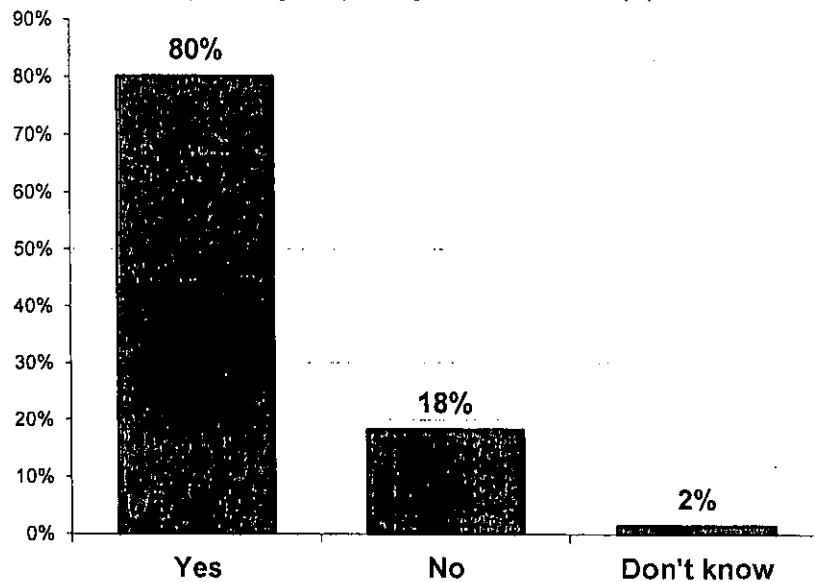
<sup>5</sup> Li-Hui Chen LH, Baker SP, Braver ER, Li G (2000) Carrying Passengers as a Risk Factor for Crashes Fatal to 16- and 17-Year-Old Drivers. *Journal of the American Medical Association*, 283, 1578-1582.

<sup>6</sup> IIHS (2010) Licensing systems for young drivers. <http://www.iihs.org/laws/graduatedLicenseIntro.aspx>

### ***Passenger limit for beginning drivers***

When asked the following: "Some states limit the number of young passengers that newly licensed teens can have when they first begin driving, unless there is an adult in the car. Do you think North Dakota should limit newly licensed teen drivers to no more than one teen passenger?" 71 % of parents indicated they believe North Dakota teens should have such a limit. In most states, passenger limits do not apply to members of the teen's family, allowing them to transport siblings. Respondents more strongly endorsed the adoption of such a passenger limit for ND teens, as is shown in Figure 5. Support for a passenger limit was similar among parents from urban (83%) and rural (79%) areas. This slight difference is not statistically meaningful.

Figure 5. Do you think North Dakota should limit newly licensed teen drivers to no more than one teen passenger? (Family members exempt)

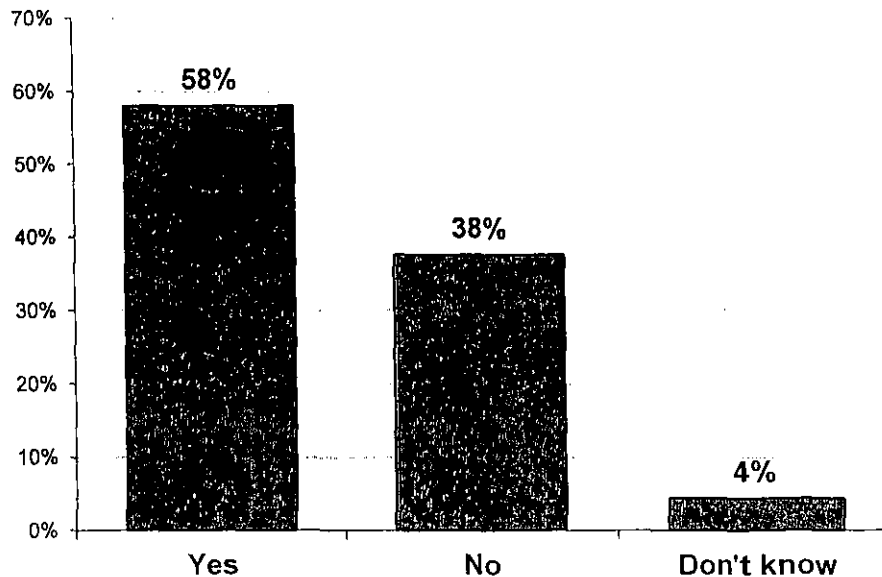


Those who indicated support for a passenger limit were asked how long it should apply – 6 months, 12 months, until age 18 or some other period. Most respondents believed 12 months or longer. Forty-five percent said 12 months, 17% said until age 18 and 32% said 6 months. There were no noteworthy differences between urban and rural parents in opinions about how long a passenger limit should last. Urban parents were slightly more likely to favor the shorter duration (33% vs. 30% for rural parents), but this difference is well within the statistical margin of error.

### ***Limit on night driving for beginning drivers***

North Dakota parents also favor limiting nighttime recreational driving for newly licensed teenage drivers. As with passenger limits, night driving restrictions in other states include exemptions for night driving if there is an adult with them or for trips considered to be essential, such as traveling to or from work or school activities. When asked the following: "Some states do not allow teens to drive after a certain time of night when they first begin driving, unless there is an adult in the car with them or they are driving to or from work. Do you think North Dakota should have a restriction like this for new teen drivers?" a majority expressed support, as shown in Figure 6. Support for limiting night driving is stronger among urban parents (64%) than rural parents; nonetheless, rural parents are slightly more likely to support than to oppose this (48% agree, 46% disagree and 6% are undecided).

Figure 6. Do you think North Dakota should limit driving after a certain time of night for new teen drivers?



Those who indicated they support a night limit for newly licensed teen were asked whether they would support a limit beginning at 9 p.m. and lasting for the first six months the teen has a license.<sup>7</sup> Nearly two-thirds indicated they would support such a limit. There was no difference in this support between urban (62%) and rural (63%) parents. When they were asked about a 9 p.m. restriction that includes an exemption for school-related travel, approval increased to 75% (76% urban, 74% rural).

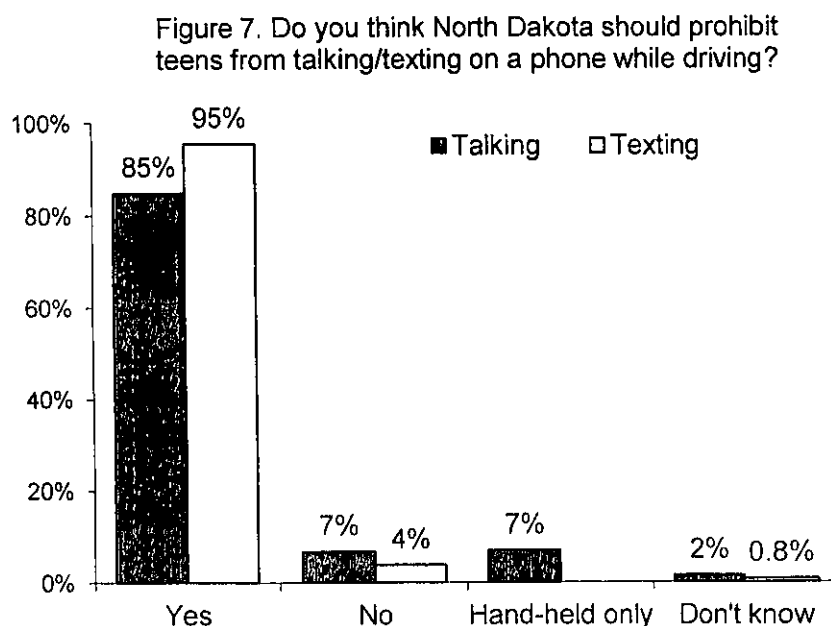
<sup>7</sup> This time was selected because crash risk for young drivers begins to increase after 9 p.m. and it is this risk that a night driving limit is meant to address for beginning drivers.

### Limits on Cell Phone Use

Another risky driving condition for young drivers (and others) is the use of a cell phone, either for talking or texting (sending or reading typed messages). As of November 2010, 28 states prohibited mobile phone use by novice teenage drivers for either purpose and 8 prohibited texting but not talking. Thirty states did not allow texting by drivers of any age and 9 had banned talking on a hand-held cell phone while driving regardless of driver age.

In the present survey the focus was on the opinions of parents regarding teenagers' use of phones while driving. As noted above, cell phone use is among their greatest concerns. When asked the following: "Some states prohibit newly licensed teens from talking on a cell phone while they are driving. Do you think North Dakota should prohibit teens from talking on a phone while driving?" an overwhelming majority (85%) said yes. Support for such a restriction did not differ between urban (86%) and rural (83%) parents.

A separate question regarding texting was also asked: "Some states do not allow teens to send text messages while driving. Do you think North Dakota should prohibit teens from texting while driving?" Support for this was nearly universal, with 95% of parents in both urban and rural counties indicating that North Dakota teens should be prohibited from texting while driving. Responses to both questions about phone use are summarized in Figure 7.





### ***Teens' crash experience***

Nineteen percent of parents of teenagers who had a license (not a learner permit) reported the teen had already experienced a crash. Three percent had been involved in 2 or more. On average these teens have been driving unsupervised for about 12 months at the time of the interview. About a quarter of these crashes were minor, resulting in little or no damage. Nearly as many resulted in enough damage that the vehicle had to be towed. Not surprisingly, 30% of these crashes occurred on icy/snowy roads.

### **SUMMARY**

Several studies have found that parents of teenagers strongly support graduated driver licensing in general, as well as the individual elements that comprise a GDL system. These include a required lengthy learner permit period, followed by limits on driving in particularly risky conditions for the initial months when teens begin driving on their own. The present findings indicate that North Dakota parents view these issues similarly to parents elsewhere in the U.S.

The opinions of parents surveyed reflect substantial experience with the issues about which they were asked. Ninety percent of the 15- and 16-year-olds whose driving experiences parents reported were already driving; most had progressed to a full license. Of those with a license, 19% had already had a crash and 3% had experienced more than one. This is noteworthy in view of the fact that these teens had been driving unsupervised on average for only about one year and may help explain parents' support for several changes to the North Dakota driver licensing system.

There is almost no support among North Dakota parents for the notion endorsed by some national organizations that teens should wait until age 16 to begin learning to drive. Opinion about lengthening the mandatory learner period from 6 to 12 months is moderately favorable, with more support from urban than rural parents. At the same time the vast majority of parents believe there should be limits on teen drivers' exposure to risky conditions until they are at least 16. Many believe these limits should remain in place until age 17 or 18.

There is extremely strong support among North Dakota parents for prohibiting cell phone use, for talking or texting, and for limiting newly licensed teenage drivers to carrying no more than one non-family passenger. There is substantial support for limiting driving after a certain time of night for newly licensed teens and 2/3 of those who believe night driving should be limited agree with setting this limit at 9 p.m., as long as essential work and school-related driving is exempted.

TESTIMONY ON HB 1256

Presented by Richard D. Ott, Executive Director  
Head Injury Association of North Dakota

March 18, 2011

Chairman Lee and members of the Senate Transportation Committee, my name is Richard Ott and I am the Executive Director of the North Dakota Head Injury Association and I am here in support of HB 1256.

Our Association has numerous missions and two of these are awareness and prevention. I will try to direct my remarks in those directions this morning.

One year ago, if you had said something to me about traumatic brain injury (TBI) I probably would have tried to think up a wise-crack response. But then, on May 1<sup>st</sup>, 2010, I took my present job and since then I've undergone major league attitudinal changes. TBI to me now, is anything but a joking matter.

I have an almost missionary zeal about convincing the rest of the world that TBI is rightfully called the "Silent Epidemic". I would consider myself very successful if in some part, I could convince everyone in this room that we need to take this threat seriously. It is estimated by the CDC&P that by 2020, TBI will be the **WORLD'S** number one public health problem. This is a severe individual condition, but it is also a family and community problem.

Two factors that are currently emphasizing this point are professional athletic emphasis upon this type of injury and returning veterans with TBI problems. Why are there suddenly so many cases, civilian and military?

Share the story of the two mothers.

If two years hence we can return to this arena and as a result of what efforts are taking place right here and now, a single family has been spared the agony, the horror and the demolition that is TBI, then we have been partially successful.

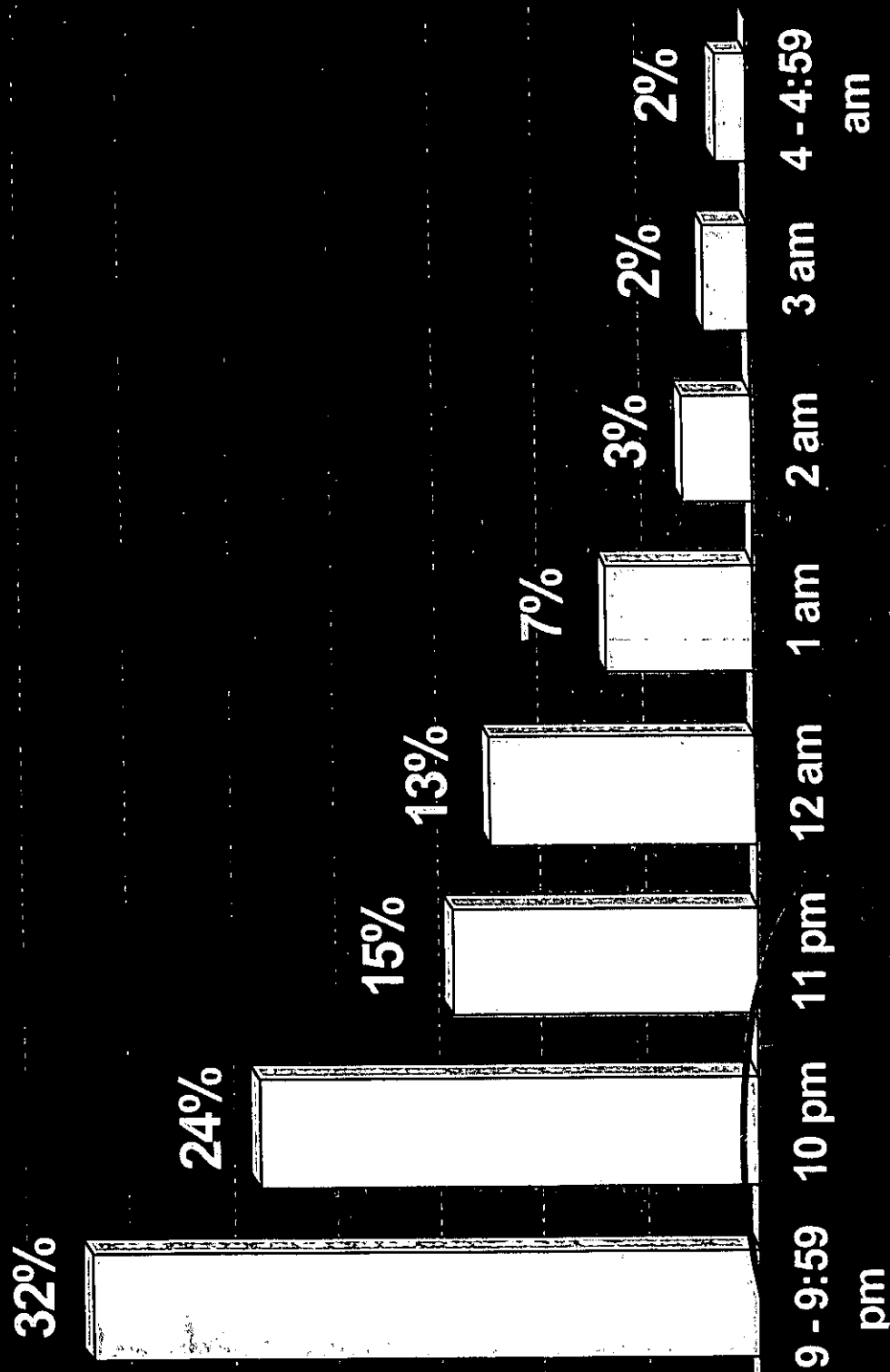
Mr. Chairman, and members of the committee, I would be pleased to answer any questions you might have.

Respectfully submitted,

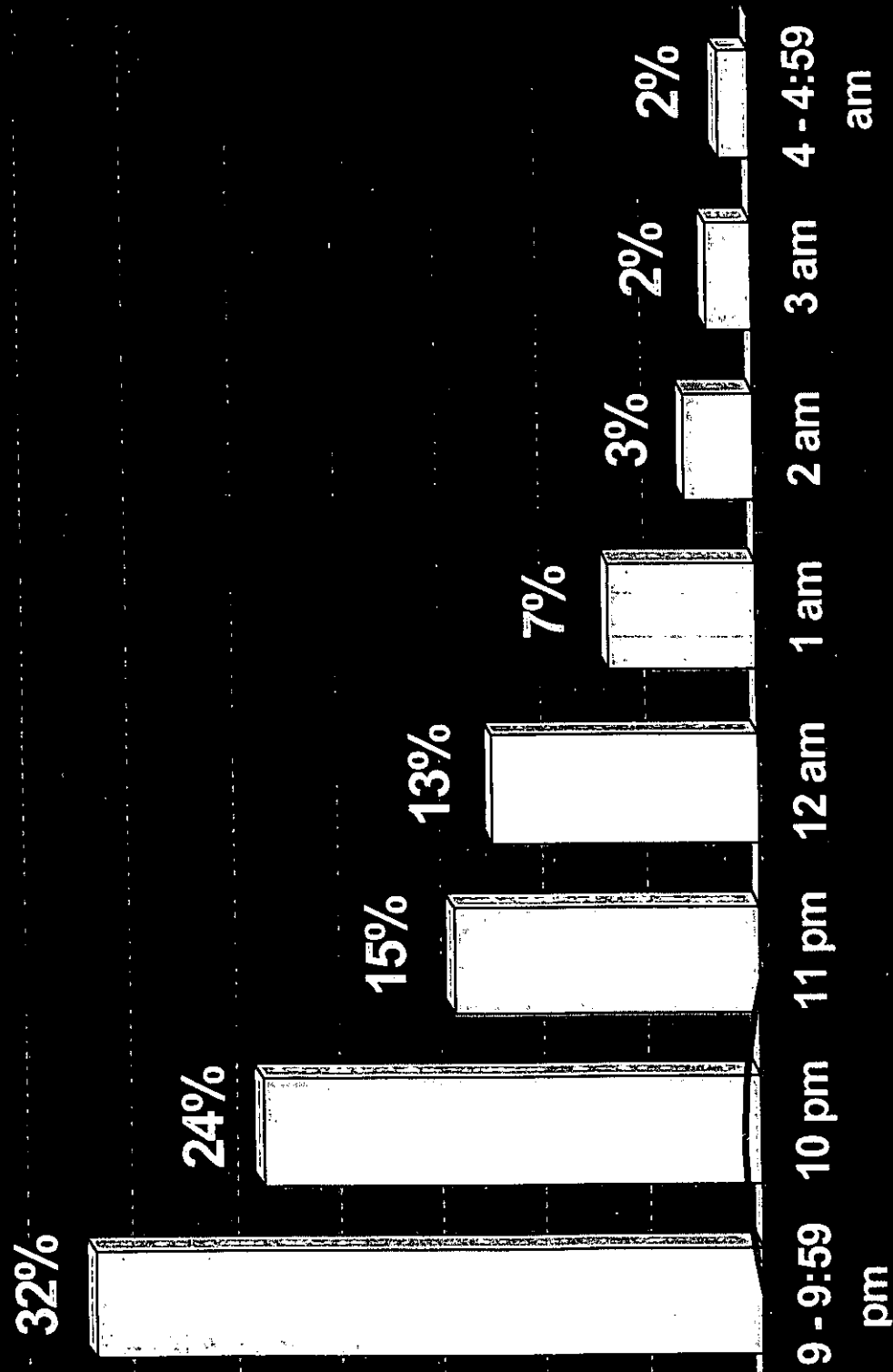


Richard D. Ott, Executive Director  
Head Injury Association of North Dakota

# Time of 16-year-old Driver Nighttime Crashes, ND, 2005-09



# Time of 16-year-old Driver Nighttime Crashes, ND, 2005-09



Good Morning Chairman Lee +  
Fellow Committee members

3/18/2011

#7

• My name is Paula Bartsch-  
Casserton ND

• Support of House Bill 1256 as it has  
passed the House.

• Today I am not only here as a  
member of the Legislature but as a  
~~member~~ mother with a personal  
story to share.

• 3 yrs. ago - August 12 - 2007

Our son Ryan, (16 years old) was a  
passenger in a pickup driven by one  
of his friends.

• There were 4 kids in a 3 passenger  
pickup. <sup>Ryan</sup> 3 in seatbelts + a young lady on the  
laps of our son + the middle passenger.

• They were driving on a gravel road  
back to Casserton. They were

1 mile west of Casserton when  
they approached an un-marked  
intersection and collided  
with a semi.

- There were too many passengers ~~on~~ <sup>the</sup> ~~one~~ <sup>the</sup> on the lap probably blocked the view ~~to~~ <sup>thought</sup>
- Too many passengers caused too many distractions -

- Our son's last text was at approx. 3:26 pm that Sunday After noon. He was planning on coming to Casselton to meet another friend to go golfing and come home for a steak supper.

- Speed was a factor - there were almost 300' of skid marks prior to colliding with the semi.

- Our son suffered a traumatic Brain Injury + suffered other internal injuries.

- 16 units of blood in 24 hours.

- Placed in an induced coma + on life support.

- After 7 days Ryan's Brain pressure had risen to high + there was no more blood flow to the Brain.

- Ryan was pronounced Brain dead at 11:15 am on August 19th.

- We need these safety enhancements put in place that are on House Bill 1256.

• ~~Our young drivers~~ ~~and all other~~

- It's important that we have a 12 month permit so our young drivers can drive in all seasons - all types of road conditions, gravel + highway.

- I support 50 hours of supervised driving
- Banning of cell phone use while driving + texting -

- Restrictions at night time driving -  
Sunset / Sunrise +

• ~~Our young drivers~~

Traffic crashes remain ~~the~~ the #1 killer of ND teens. ~~Our~~ Our young drivers deserve more experience behind the wheel before obtaining their drivers license.

I urge your support and ask that you vote yes on House Bill 1256. 3.

Committee Testimony  
in support of HB 1256

Dennis Burdolski  
233 Laredo Drive  
Bismarck, ND 58504



Chairman Lee and members of the committee,

My name is Dennis Burdolski and I am here today urging you to pass HB 1256, formerly known as the Graduated Drivers' License bill. My daughter, Lisa died as a passenger of a 15 year old driver so I know first-hand the pain of losing a child to an accident that was preventable. Lisa died lying in a field east of Bismarck from injuries to the back of her head when the 15 year old driver lost control as another vehicle approached in the opposite direction. The driver over-corrected, sending the vehicle into a skid and rolling, at Highway patrol's estimate of two and half times, finally striking a tree. No excessive speed or alcohol was involved. The rear seat back broke from the violence of the rollover so two of three back seat passengers were thrown out while the third landed in the vehicles cargo area. According to the autopsy, Lisa died of blunt force trauma to the back of her head when the vehicle's top caved-in over her seat. The other two girls in the rear seat survived the crash; both initially were not expected to survive and one is yet to walk and her prognosis to do so is not good. Costs for the emergency care alone is in the millions of dollars and on-going costs are yet to be determined.

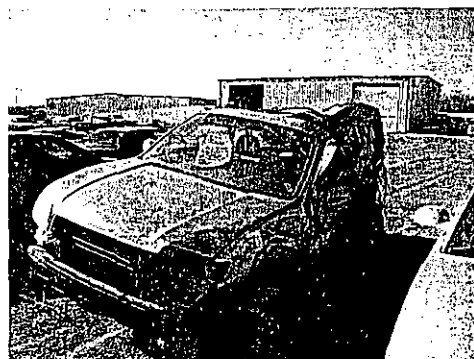
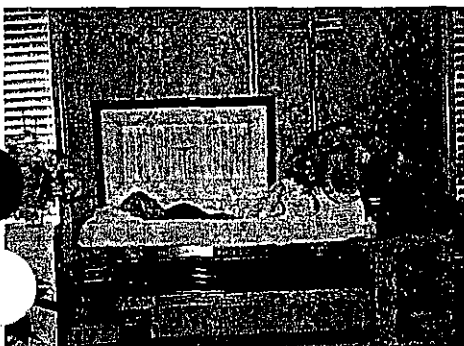
My friends and family have asked me, "Why do you want to go through the pain of testifying again? I asked myself that same question. When you come out in support of legislation and publicly support it as we do today, you are forced to relive the events that brought you here. Prior to Lisa's accident, I have to think we had a great life. I retired from the Air Force and when we asked my three girls where they wanted to live, they picked Bismarck to be near their favorite aunt and grandma. It was really no shocker since I spent 15 of my 21 years at Grand Forks and Minot Air Force bases and since the IT job market was rising, I found immediate employment. Fast forward to October 31, 2009; a beautiful day and evening. Lisa and her friends left the house at about 8:30 PM on their way to a Halloween party. Katy was driving since she had her license the longest. Thirty-five minutes later, we got the call that there was an accident and we were told to meet them at the hospital. At 10:30, the sheriffs' chaplain pulled us aside to tell us Lisa didn't make it. She died at the scene so we couldn't even say good bye to her. Our lives as we knew it ended that night in that emergency room.



Standing up for something you believe in can be difficult. Aside from the painful memories, media blogs make you a target and give anyone a loudspeaker to voice their ignorant opinions of how terrible a parent you must have been to let her go out that night. They also shame her memory by speculating about drugs or alcohol being involved—neither of which was true. Later today, I suspect there will others in disagreement to this legislation who offer comments after we supporters conclude and those comments will be tempered with statements like, “I feel sorry for these families but..” or “this won’t happen to me because my kids...” etc, etc. Even before Lisa died, my older daughter had her permit and we made her keep it more than a year to ensure she was ready to control something as deadly as a vehicle. Not all parents think this way. I work with several parents who before Lisa’s death would say, “I can’t wait until they can drive themselves.” Many would take them in the earliest day possible for the written and driving tests. What I would give to have to drive Lisa around again—but she is in a grave in St. Mary’s Cemetery.

This is not a city versus rural argument. The driver in Lisa’s accident lived on a farm but it just as easily could have been from the city. The bottom line is we, as a state, do not demand enough training for our young drivers. House debate had naysayers contend that this law “erodes parents’ rights.” With any right comes responsibility and I contend this bill doesn’t erode a parent’s rights but reinforces a parent’s responsibilities. I may be wrong but I suspect some but not all of the “erosion” mindset are similar to the parents I spoke of earlier, where present licensing laws are manipulated to relieve themselves of transportation responsibilities for personal convenience in lieu of driver safety. Finally, I believe passage of these changes will reinforce a child’s right to appropriate practical training and experience.

In summary, I stand here sharing my story to persuade you to support bill 1256. I have suffered the greatest loss, that of my teenage daughter. Reliving these bad memories are not therapeutic and putting myself in the crosshairs again is not something I enjoy. However, the one thing I can gain by passage of this bill is the self-satisfaction that I might have done something to prevent another teenagers’ death and another parent’s anguish. People say experience is the best teacher, my hope is that others do not have to find out what I have come to learn. Thank you for this opportunity to speak.



# 9

HOUSE BILL NO. 1256

Presented by: Rhonda Boehm  
Parent

Before: Senate Transportation Committee  
Senator Gary Lee, Chairman

Date: March 18, 2011

Good Morning Chairman Lee and members of the Senate Transportation Committee. My name is Rhonda Boehm and I am from McClusky, North Dakota. My husband and I own and operate a 3<sup>rd</sup> generation Farm and Ranch along with our oldest son Levi, now the 4<sup>th</sup> generation just beginning to have ownership and partnership to run our family farm/ranch. I stand before you today to testify in favor of Engrossed House Bill # 1256.

It may be questioned why I'm in favor of Engrossed Bill #1256 because I am a rancher/farm in a rural Community where it's often said that is necessary for farm children to drive at a young age because they need to help with the farming operation by driving for different types of needs on the family farm, and they need to be able to get to activities in town. I feel this driving should be the responsibility of the parents until the teenagers are at a more mature age and have more experience and knowledge about operating a motor vehicle. Therefore, I would like to tell you my experience with a young inexperienced driver on country gravel roads:

This is my son Eric.....he was living life to the fullest as a typical 14 year old until his and our world was turned upside down and changed forever in 2002:

My son Eric (then age 14) was driving home from a farming field on our country gravel road when he lost control of the vehicle, rolled complete revolutions many times and was seriously injured. The vehicle was totaled, every piece of glass was shattered. In the Trauma family meeting room several hours later we were told Eric may not survive; but he beat the odds. He suffered a Traumatic Brain Injury; where he was in a coma and was unresponsive for 2/1/2 months; which following he endured 4 years of hospitals and therapies to relearn everything, and regain his life back and to live his life to the fullest. Eric is still working with therapies and has some cognitive and physical disabilities; but has regained his independence; but unfortunately not everyone in this situation does. Unless one experiences this with their own child they have no idea how devastating, and challenging a situation like this can be. My family almost lost all of our united family ties due to Eric's accident because I felt he was too young to be driving, and it has been for generations that teenagers have helped on the family farm and he was of age to drive a motor vehicle, so you can only imagine the controversy.

Eric is now almost 23 years of age and still has many deficits and struggles as a result of this vehicle accident and will for the rest of his life...I firmly believe it is because he didn't have the necessary experience required to operate a motor vehicle when he was a teenager. I feel North Dakota's current licensing system falls short of fully preparing teens for the lifelong responsibility of driving, and HB 1256 will help protect the youngest, most inexperienced drivers. My hopes are that we can minimize the teenage crashes and save many families from experiencing tragic accidents.

I sincerely wish this bill would have been introduced and passed before 2002; because even though I felt my son was too young to be driving, his help was needed on the family farm. With some of the components of this bill in place Eric would have been required to drive 50 hours of supervised driving in varied conditions, including gravel roads which is what we drive daily, and there would be no driving on the family farm between 9pm or sunset and 5am unless supervised until he was 16, and he would have

Licensing changes that stress experience will improve safety for teenagers and other road users. There are those who say to leave it up to the parents and give them the 'responsibility as to when and where their child drives. This is much easier "said than done". There is the need to drive as seen by some and not others, the peer pressure, the inexperience, the immaturity level, and many factors that affect teenagers. We remind our children to be careful, drive slow, pay attention, look for cars, and many other reminders" we say to them .....there is the remaining problem ... they are still teenagers who are usually going through puberty, maturing and experiencing all type of typical teenage year challenges and distractions.

Having the privilege and responsibility to have a North Dakota State Drivers License can certainly be viewed in many aspects. Statistics show there are far too many crashes involving teenagers that result in death, or serious injury like my son Eric. Young drivers lack experience to be allowed total control of a motor vehicle and the only way to become a good driver is through experience. Under most circumstances a young teenager does not possess the experience, awareness, quick response, and total attention required to operate a motor vehicle; therefore they are too easily distracted because their maturity level is just that...they are young teenagers. Let's think about it. ...Our teenagers are our future...aren't they worth everything we have and can provide for them? Isn't it time we do something to minimize the large amount of teenage car crashes? I've walked the long, difficult, winding path of my son's recovery from a serious car accident that changed his and my families lives forever... And I can only say...one cannot even imagine the feeling of inadequacy to protect your child and the urgent need to do everything humanly possible to keep them safe and to keep safe our future generations of drivers on North Dakota Roads.

With the passing of Engrossed House Bill # 1256, North Dakota teenagers will be required to have more experience, guidance, and awareness behind the wheel before they are allowed to be driving alone by North Dakota State Law. I truly believe this is vitally necessary to save families from experiencing the devastation and heartache that my family has and will deal with for the rest of our lives.

The State of North Dakota will continue to allow our children the privilege of obtaining a driver's license; but with the experience and maturity that is required. Therefore keeping them safe, and protecting our future generations of drivers on the roads of North Dakota. I am asking you to please support Engrossed House Bill # 1256.

Thank You for the opportunity to testify. I will stand for any questions at this time.

#10

Testimony in support of HB 1256

Carrie Sandstrom

Mr. Chairman, members of the committee, my name is Carrie Sandstrom and I'm a junior at Century High School. I'm also a member of SADD or Students Against Destructive Decisions.

In North Dakota, individuals can receive a full fledged drivers license with only six months of instruction at a time when the decision making portion of their brain is not fully developed. At this time additional practice is necessary to help young drivers develop life saving defensive driving habits- experience can make the difference between a graduation certificate and a death certificate.

We cannot remain oblivious to the stark reality that teens are dying on our roadways. My peers and I are over represented in regards to traffic collisions and will continue to be unless preventative measures are taken.

As a fairly new driver I've made many silly errors and mistakes that come with inexperience- errors that have put myself and others sharing the road with me at risk. As I gain experience, I grow in my driving capabilities but the question is raised- why wait until teens are alone behind the wheel before giving them extra experience?

This bill ensures that all teens are prepared to handle the responsibility of driving by requiring a longer permit phase, requiring more behind the wheel hours, and giving teens a safer environment to learn in.

Taking risks and allowing individuals to make mistakes is part of life, but letting an inexperienced teen get behind the wheel is gambling your security while driving on their ability to successfully navigate the road and potential obstacles- how much are you willing to bet?

I urge you to pass this bill.

Opposition

Becky Reich

# 11

In order for my testimony to make sense and for you to see how this change will negatively affect our family, I need to give you background to our family situation.

We are dairy farmers who live 12 miles SE of Medina. We started farming in 1980 after we graduated from college.

We are also parents of 8 children. Their ages range from 28-7.

5 of them are licensed drivers so we can speak from many years of experience with young drivers, as well as the process of written and driving test protocol.

As dairy farmers, we get up every day at 3:45 to be in the barn, and milking by 4:30am. We milk at 12 hour intervals, which means that we are back in the barn by 3:45 in the afternoon and milking by 4:30pm.

We have tried to allow our kids to be in as many things as we could manage. We have always felt that they should not be hindered because of our choice of occupation. For those families with just a few kids, maybe they all get to be in every activity they wish to be in. Because of the size of our family, everyone gets to do some things, but no one gets to do everything. We all have to take turns with activities.

When are most kid's activities and extra curriculums? Kid's activities are after school and that is the time we are in the barn. Until we have a rich uncle who dies and leaves us independently wealthy, or we all quit eating, we have to work. Dairy farming is our job; we punch a clock just like everyone else. The difference is that we punch the clock for ourselves.

Do you see the problem for our family if our kids can't get to and from where they need to be on their own?

We tried for 2 winters milking at 2am and 2pm when none of our kids were old enough to drive yet. We would be done milking shortly after they got home from school, at which time we would hop in the car and get on the road to Jamestown for their piano and dance lessons. And because we couldn't get there until about 5pm, and people who give private lessons like to wrap things up by 7pm, we ended up running to Jamestown 2 times per week. Jamestown for us is 35 miles one way.

That schedule was very difficult. It was impossible to get over 2-3 hours of sleep at any one shot.

For a time my mother took my kids to their lessons, until her health interfered with that. By that time the older kids were driving age and could take themselves most times, which is what we do now. The older ones are responsible to get the younger ones to and from their lessons, and Alvin and I are at home milking the cows.

Page 2, section 3, point #4 of the engrossed version of SB 1256 says that the

2

instruction permit has to be held by the child driver for 12 months for those under 16 before they can be eligible for a license which in effect, means no license for my remaining 3 children until they are at least 15.

Our 13 year old Phillip wanted to be in FFA crops judging this year. The rest of the team decided that they wanted to practice at 7am in the morning. He was able to make a couple of practices that they just happened to have after school, but otherwise we can't get him there. If he is not allowed to have his license at age 14, he will have to sit out on that activity until he is a sophomore.

He is also wired to be an entrepreneur. He purchased a square baler last fall with the money he earned from his 4-H steer and was planning to have his own business this summer. He has been counting the days since last fall, as to when he would be able to get his license at 14 and be able to deliver those bales himself in the summer of 2012. He's made a business card, fliers to put up around Jamestown, and called all the horse stables within a 90 mile radius of our farm. Does this bill seem to discourage responsible young people who are industrious?

Abigail our youngest is 4 years younger than the next older sibling. She will turn 14 in Feb. when she is an 8<sup>th</sup> grader. If this bill passes, she will have to sit out of her lessons for her whole freshman year, as well as not be able to participate in many extracurricular school activities. She needs to be legally able to get herself to where she needs to be as we will be in the barn at those times.

When our kids go in to Jamestown for lessons, they are taking piano, dance, swimming, violin and voice. They are also involved in Civil Air patrol, Awana and youth group and 4-H

Section 4, page 5 point 6 reads that an individual holding a restricted driver's license may not operate a motor vehicle between he later of sunset or 9pm and 5am, unless a parent, legal guardian, or an individual 18 years of age or older is in the front set of the motor vehicle or the motorehicle is being driven directly to or from work, an official school activities or a religious activity. Where do Piano, dance and voice lessons fall? How about swimming and violin lessons, or CAP and 4-H? They are not religious activities, work or and official school activity.

Civil Air patrol meets in Jamestown Tuesday nights from 7-9pm. There has not been a meeting night since they joined in the fall of 2008 that they have gotten home before 10pm. It takes 45 minutes on the road to get from Jamestown to our house. *CAP explanation*  
If this bill passes they would not be able to get themselves legally to their activities under the age of 18. My 3 youngest kids would always be illegal or not attending their activities. Should they be penalized because of our occupation or because we live rurally or because of their age?

I realize that some think that age is a big factor in the responsibility factor of young drivers. I put before you my husband as an example. He got his license at 13 and drove illegally to town, with the grain truck at 12. He had older siblings, but obviously his

parents felt he was responsible enough to handle the jobs they put before him. Age is not necessarily a determiner of ability or responsibility level.

If this bill is put before the legislature to try to minimize younger drivers being in accidents, I can speak from experience to that idea.

Our two older girls were coming home for Christmas Dec 23, 2009. They were 20 and 26 at the time. They were traveling west on I94. West of Casselton about a mile, a vehicle traveling east, lost control and crossed the median. The girls did not see the vehicle until it was right in front of them, because they were being passed by another vehicle. When they saw the SUV right in front of them, Liz the driver, cranked the car hard to the right to take the ditch but because it was icy she didn't get very far before they hit. The air bags deployed in our car, the SUV flipped on its side on the interstate. My two girls and the two college age kids in the other vehicle, walked away with a few bruises and stitches. Both vehicles were totaled. We could have just as easily been planning two funerals as opening gifts that Christmas Eve.

Our son Adam loves motorcycles. He has been driving them since he was little. He and a college friend were driving 25 miles an hour coming out of an NDSU football game on 15<sup>th</sup> Ave. Another car made a left turn right in front of them going onto 12<sup>th</sup> St., the one way going south. There was no possible way that Adam could stop. And That car was only going 10-15 miles per hour. They were both thrown over the hood of the car, the rider Dave went sailing higher than Adam who was also thrown and did a complete flip in the air. They were wearing their helmets and although the motorcycle was totaled, they walked away.

These 3 kids of mine were young adults, all at least 20 years old when they experienced these accidents. And these accidents were not their faults. Age of the person does not necessarily mean they will or will not be in an accident. These 3 of mine are well past the 14 year old beginning driver phase, and they still were in potentially life stealing accidents. They are still my children, no matter what age they are. But we can't possibly legislate for every single possible thing that could go wrong.

The restricted driver's license also takes away the parent's freedom to determine when a child is ready for the privilege and responsibility of a driver's license. Who knows the child better than the parent? Who provides for the child? Who has a vested interest in the best interests of the child? The parent.

Having been through the process 5 times so far, I know that I as a parent have to sign and give my permission two times before my child can get a license. I have to sign when they take the written test to get their permit, and again when they take their behind the wheel test. I also had to pay for the driver's education course. I as a parent determined when the kids have been ready for their license. Some of our kids were indeed ready as soon as they turned 14. Some were not. But we determined that. We didn't need anyone to legislate when that time was.

When the kids are in 3<sup>rd</sup> and 4<sup>th</sup> grade, they are introduced and encouraged to join the "Just say no Club". The premise is that if we can provide enough good activities and friends in like minded activities that we can teach our kids to just say no to things that will hurt them, like drugs, alcohol and tobacco. If we are legislating this graduated driver's license because some parents can't say no to their kids when they feel they aren't ready, then we are doing this for the wrong reasons. Parents need to grow up and just be parents. They need to "just say NO". Just because you CAN do something doesn't mean you HAVE to do something. I am well past the age of being illegal to have alcohol. I CAN have it legally. But I don't have to and in fact choose not to. I know how it affects me. I just say no.

It is the parents place to make the determination of when their own child can have a driver's license. At first glance this might seem like good legislation but it is a classic cookie cutter approach, where one size is supposed to fit all. It will not fit our family and my children and will put them at a disadvantage.

The current law serves all kids and all parents.

It doesn't take away the right or responsibility of the parents who don't want their child to have a driver's license at 14. They can just say no and let the child have their license at a later age. They are allowed to be a parent and make that determination.

It doesn't take away the right and responsibility of the parents who do want their child to have a driver's license at 14. They are allowed to be a parent and make that determination. Everyone is served with the current law.

If it changes to the new version, our family will not be served, nor will many others. Our freedom to make the determination for our children will be taken away.

I thank you for hearing my testimony and urge you to reconsider the ramifications of this bill.





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#12

HB1256 Testimony March 18, 2011 8:30 am

Mr. Chairman and members of the Committee, I am Bill Ongstad, a farmer from Harvey ND. I urge you to oppose this bill to raise the drivers license age in ND. It should stay at 14. If Fargo wants 16 that is fine but leave the rural areas as it is at 14.

I had 4 kids that learned to drive lawnmowers and small tractors before getting in cars and pickups. I made sure they were mentally ready to drive and they had experience.

To change the drivers age will discriminate against rural areas due to time and distance and the family farm. Many times our 14 year old would take the 10 year old to practice or appointments or school and activities. Raising it to 16 would cause problems for rural people.

I urge the committee to oppose raising the drivers license age.

Sincerely yours,

Bill Ongstad