2021 HOUSE TRANSPORTATION

HB 1156

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1156
1/22/2021

A bill relating to the use of safety belts.

9:42 **Representative Kading** opened the hearing.

Attendance

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

Discussion Topics:

- Seatbelt usage for frequently stopping vehicles.
- Safety issues.

Chairman Ruby introduction.

Tom Iverson, Chief of Operations for the ND Highway Patrol. Opposition. Testimony #2271.

Pat Ward, State Farm Insurance, opposition. Proposed amendment # 2268.

Chairman Ruby closed the hearing.

10:08 Adjourned.

Jeanette Cook, Committee Clerk

House Bill 1156
House Transportation Committee
Representative Ruby, Chairman
January 22, 2021

Good morning Mr. Chairman and members of the House Transportation Committee. My name is Tom Iverson and I am the Chief of Operations for the North Dakota Highway Patrol. I am here in opposition of HB 1156 which would amend NDCC 39-21-41.4 by exempting the driver and passenger of a garbage truck from wearing a seatbelt when traveling 30 mph or less.

Putting traffic safety aside, this bill negatively impacts the North Dakota Highway Patrol (NDHP) by creating incompatibility with Federal Motor Carrier Safety Regulations (FMCSR's). The NDHP receives substantial funding from the US DOT's Federal Motor Carrier Safety Administration (FMCSA) in order to administer North Dakota's Motor Carrier Safety Assistance Program (MCSAP). The highway patrol's MCSAP grant is approximately five million dollars a biennium. The grant funds 17 sworn officers as well as five civilian employees within Motor Carrier Operations.

The reason this bill is a concern is that it provides a seatbelt exemption for the operator and passenger of a "motor vehicle". This includes a commercial motor vehicle as well. Incompatibility is created when NDCC does not align with Federal Motor Carrier Safety Regulations. When this occurs, our agency would be in jeopardy of the FMCSA withdrawing its approval of the state's Commercial Vehicle Safety Plan (CVSP). We would also be in jeopardy of FMCSA withholding federal funding of the MCSAP grant. This occurred approximately 12 years ago when a bill was passed exempting certain commercial motor vehicles from the rear end protection requirements outlined in 49 CFR 393. The NDHP lost a significant amount of funding until the NDCC was updated the following legislative session.

Mr. Chairman, this concludes my testimony, and I would be happy to answer any questions.

Prepared by the Zuger Kirmis & Smith law firm on behalf of State Farm

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1156 (21.0570.01000)

Page 1, line 23, before "motor" insert "commercial"

Page 2, line 2, replace "thirty" with "twenty"

Page 2, line 2, replace "48.28" with "32.19"

Page 2, line 2, after "stops." insert "This exception does not apply to private passenger vehicles being used for a commercial purpose."

Renumber accordingly

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1156
1/28/2021

A bill relating to the use of safety belts.

2:45 PM **Chairman Ruby** brought HB back before the committee.

Attendance

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

Discussion Topics:

- Reconsidered the bill.

Representative Kading moved a Do Not Pass.
Representative Westlind seconded.
Roll call vote.

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

Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion carried. 14-0-0
Representative Christensen carrier.

2:56 Adjourned.

Jeanette Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1156: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Eleventh order on the calendar.