

**2023 SENATE TRANSPORTATION**

**SB 2053**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

SB2053  
1/6/2023

A bill relating to terminology pertaining to state troopers and motor vehicle crashes.
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9:00 AM **Chairman Clemens** called the meeting to order. Members present: **Senators Clemens, Conley, Larsen, Paulson, and Rummel.**

**Discussion Topics:**

- Highway patrol trooper
- Crash terminology

9:02 AM Major Aaron Hummell, Chief of Staff for ND Highway Patrol, testified in support. #12461

9:07 AM Senator Conley moved a Do Pass. Senator Rummel seconded.

<b>Senators</b>	<b>Vote</b>
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed. 5-0-0

Senator Conley will carry the bill.

9:09 AM Chairman Clemens closed the meeting.

*Danielle Butler, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2053: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2053 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**2023 HOUSE TRANSPORTATION**

**SB 2053**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2053  
2/16/2023

A bill relating to terminology pertaining to state troopers and motor vehicle crashes.
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**Chairman D. Ruby** opened the hearing at 9:03AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Weisz, Dakane, Dobervich. **Members absent:** Representative Wagner.

**Discussion Topics:**

- Terminology of accident versus crash
- Highway Patrol Trooper title
- Proposed amendment

**Luke Hendrickson, Administrative Services Division Commander for the North Dakota Highway Patrol**, testimony in support with a proposed amendment 23.8066.01001 (#20978, 20988).

**John Ward, State Farm Insurance**, verbal testimony in support with amendments which they will work on.

**John Arnold, Deputy Insurance Commissioner**, verbal neutral testimony.

**Chairman D. Ruby** closed the hearing at 9:24AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

SB 2053  
3/31/2023

A bill relating to terminology pertaining to state troopers and motor vehicle crashes.

**Chairman D. Ruby** opened the meeting at 10:03 AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Dakane. Members absent: Representatives Weisz and Dobervich.

### Discussion Topics:

- Proposed amendment
- Committee vote

**John Arnold, Deputy Insurance Commissioner**, discussed a proposed amendment (#27142) changing “accident” to “crash” and changing “patrolmen” to “trooper”.

**Captain Luke Hendrickson, North Dakota Highway Patrol**, verbally explained the proposed amendments.

**John Arnold, Deputy Insurance Commissioner**, offered further information regarding the amendments.

**John Ward, representing State Farm Insurance**, addressed some of the previous comments from the committee.

**Representative Koppelman** moved to amend by removing the references to “crashes” and “accidents” and keeping the change from “patrolmen” to “trooper”.

**Representative Grueneich** seconded the motion.

**John Ward, representing State Farm Insurance**, answered questions from the committee.

**John Arnold, Deputy Insurance Commissioner**, answered questions from the committee.

**Casey Orvedal, Legislative Intern**, went over the proposed changes the committee is considering and what would remain in the bill.

### Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y

Representative Cole Christensen	N
Representative Hamida Dakane	N
Representative Gretchen Dobervich	AB
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	N
Representative Ben Koppelman	Y
Representative Eric James Murphy	N
Representative Kelby Timmons	N
Representative Scott Wagner	Y
Representative Robin Weisz	AB

**Motion carried 7-5-2**

**Representative Grueneich moved a Do Pass as Amended.**

**Representative Murphy seconded the motion.**

**Roll call vote:**

<b>Representatives</b>	<b>Vote</b>
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	N
Representative Hamida Dakane	N
Representative Gretchen Dobervich	AB
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	N
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	N
Representative Scott Wagner	Y
Representative Robin Weisz	AB

**Motion carried 8-4-2**

**Representative Murphy is the bill carrier.**

**Chairman D. Ruby adjourned at 11:11 AM.**

*Mary Brucker, Committee Clerk*

March 31, 2023

HA  
03/31/23

PROPOSED AMENDMENTS TO SENATE BILL NO. 2053

Page 1, line 3, replace ", 24-09-01.1," with "and"

Page 1, line 3, remove ", subdivision b of subsection 1 of"

Page 1, remove lines 4 and 5

Page 1, line 6, remove "subsection 2 of section 26.1-41-06, sections 26.1-41-14, 26.1-41-15,  
26.1-41-19"

Page 1, line 7, remove ", section 29-06-15.1, subsection 1 of section 32-03.2-02.1"

Page 1, remove line 8

Page 1, line 9, remove "subsection 66 of section 39-01-01,"

Page 1, line 9, remove "39-01-01.1, 39-01-11,"

Page 1, line 10, remove ", 39-03-16, 39-03-17"

Page 1, line 11, remove "39-06-22, subsection 2 of section"

Page 1, remove lines 12 through 16

Page 1, line 17, remove "39-06.2-10.5, subsection 3 of section 39-06.2-10.6, sections"

Page 1, line 17, remove ", subsection 1"

Page 1, remove lines 18 through 25

Page 2, remove lines 1 and 2

Page 2, line 3, remove "39-24.1-02, subsection 8 of section 43-30-02, sections 49-11-32,  
51-07-28"

Page 2, line 6, after the first comma insert "and"

Page 2, line 6, remove ", and section 57-39.2-03.7"

Page 2, line 7, remove "and motor vehicle"

Page 2, line 8, remove "crashes"

Page 2, line 14, overstrike "state" and insert immediately thereafter "highway patrol"

Page 4, remove lines 3 through 29

Page 5, line 3, after "patrolmen" insert "patrol"

Page 5, remove lines 7 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31



At  
03-31-23

- Page 9, remove lines 1 through 31
- Page 10, remove lines 1 through 13
- Page 10, remove lines 17 through 31
- Page 11, remove lines 1 through 31
- Page 12, remove lines 1 through 30
- Page 13, remove lines 1 through 31
- Page 14, remove lines 1 through 6
- Page 16, remove lines 23 through 31
- Page 17, remove lines 1 through 21
- Page 18, remove lines 19 through 31
- Page 19, remove lines 1 through 31
- Page 20, remove lines 1 through 29
- Page 21, remove lines 1 through 31
- Page 22, remove lines 1 through 31
- Page 23, remove lines 1 through 31
- Page 24, remove lines 1 through 5
- Page 24, line 10, remove the overstrike over "accident"
- Page 24, line 10, remove "crash"
- Page 24, line 17, remove the overstrike over "accident"
- Page 24, line 17, remove "crash"
- Page 24, line 18, remove the overstrike over "accident"
- Page 24, line 18, remove "crash"
- Page 24, line 19, remove the overstrike over "accident"
- Page 24, line 19, remove "crash"
- Page 24, line 30, remove the overstrike over "accident"
- Page 24, line 30, remove "crash"
- Page 25, line 6, remove the overstrike over "accident"
- Page 25, line 6, remove "crash"
- Page 25, remove lines 8 through 31
- Page 26, remove lines 1 through 31
- Page 27, remove lines 1 through 30
- Page 28, remove lines 1 through 31

24  
03-31-23

- Page 29, remove lines 1 through 30
  - Page 30, remove lines 1 through 31
  - Page 31, remove lines 1 through 31
  - Page 32, remove lines 1 through 31
  - Page 33, remove lines 1 through 30
  - Page 34, remove lines 1 through 31
  - Page 35, remove lines 1 through 30
  - Page 36, remove lines 1 through 31
  - Page 37, remove lines 1 through 30
  - Page 38, remove lines 1 through 31
  - Page 39, remove lines 1 through 31
  - Page 40, remove lines 1 through 29
  - Page 41, remove lines 1 through 31
  - Page 42, remove lines 1 through 31
  - Page 43, remove lines 1 through 7
  - Page 45, removes lines 15 through 31
  - Page 46, remove lines 1 through 8
- Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2053: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2053 was placed on the Sixth order on the calendar.

Page 1, line 3, replace ", 24-09-01.1," with "and"

Page 1, line 3, remove ", subdivision b of subsection 1 of"

Page 1, remove lines 4 and 5

Page 1, line 6, remove "subsection 2 of section 26.1-41-06, sections 26.1-41-14, 26.1-41-15, 26.1-41-19"

Page 1, line 7, remove ", section 29-06-15.1, subsection 1 of section 32-03.2-02.1"

Page 1, remove line 8

Page 1, line 9, remove "subsection 66 of section 39-01-01,"

Page 1, line 9, remove "39-01-01.1, 39-01-11,"

Page 1, line 10, remove ", 39-03-16, 39-03-17"

Page 1, line 11, remove "39-06-22, subsection 2 of section"

Page 1, remove lines 12 through 16

Page 1, line 17, remove "39-06.2-10.5, subsection 3 of section 39-06.2-10.6, sections"

Page 1, line 17, remove ", subsection 1"

Page 1, remove lines 18 through 25

Page 2, remove lines 1 and 2

Page 2, line 3, remove "39-24.1-02, subsection 8 of section 43-30-02, sections 49-11-32, 51-07-28"

Page 2, line 6, after the first comma insert "and"

Page 2, line 6, remove ", and section 57-39.2-03.7"

Page 2, line 7, remove "and motor vehicle"

Page 2, line 8, remove "crashes"

Page 2, line 14, overstrike "state" and insert immediately thereafter "highway patrol"

Page 4, remove lines 3 through 29

Page 5, line 3, after "~~patrolmen~~" insert "patrol"

Page 5, remove lines 7 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31  
Page 10, remove lines 1 through 13  
Page 10, remove lines 17 through 31  
Page 11, remove lines 1 through 31  
Page 12, remove lines 1 through 30  
Page 13, remove lines 1 through 31  
Page 14, remove lines 1 through 6  
Page 16, remove lines 23 through 31  
Page 17, remove lines 1 through 21  
Page 18, remove lines 19 through 31  
Page 19, remove lines 1 through 31  
Page 20, remove lines 1 through 29  
Page 21, remove lines 1 through 31  
Page 22, remove lines 1 through 31  
Page 23, remove lines 1 through 31  
Page 24, remove lines 1 through 5  
Page 24, line 10, remove the overstrike over "accident"  
Page 24, line 10, remove "crash"  
Page 24, line 17, remove the overstrike over "accident"  
Page 24, line 17, remove "crash"  
Page 24, line 18, remove the overstrike over "accident"  
Page 24, line 18, remove "crash"  
Page 24, line 19, remove the overstrike over "accident"  
Page 24, line 19, remove "crash"  
Page 24, line 30, remove the overstrike over "accident"  
Page 24, line 30, remove "crash"  
Page 25, line 6, remove the overstrike over "accident"  
Page 25, line 6, remove "crash"  
Page 25, remove lines 8 through 31  
Page 26, remove lines 1 through 31  
Page 27, remove lines 1 through 30

Page 28, remove lines 1 through 31

Page 29, remove lines 1 through 30

Page 30, remove lines 1 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 31

Page 33, remove lines 1 through 30

Page 34, remove lines 1 through 31

Page 35, remove lines 1 through 30

Page 36, remove lines 1 through 31

Page 37, remove lines 1 through 30

Page 38, remove lines 1 through 31

Page 39, remove lines 1 through 31

Page 40, remove lines 1 through 29

Page 41, remove lines 1 through 31

Page 42, remove lines 1 through 31

Page 43, remove lines 1 through 7

Page 45, removes lines 15 through 31

Page 46, remove lines 1 through 8

Renumber accordingly

**TESTIMONY**

**SB 2053**



68<sup>th</sup> Legislative Assembly  
Testimony in Support of  
**Senate Bill No. 2053**  
Senate Transportation Committee  
January 6, 2023

TESTIMONY OF

**Maj. Aaron Hummel, Chief of Staff**

Good morning, Chairman Clemens and members of the committee. My name is Aaron Hummel and I serve as the chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2053.

As you can see, the bill is 46 pages, but I will break it down to two areas. First, the purpose of this bill is to revise the term from highway patrolman to highway patrol trooper. Secondly, the bill would change the term accident to crash.

The term patrolman is not a reflection of our agency, considering we are made up of both men and women. This language change is just one step in the process that the highway patrol is doing to ensure females are welcomed into the agency. The term trooper is inclusive of both males and females. Quite frankly, this change should have been discussed in 1979 when the first female officer was hired to join the ranks of the highway patrol.

The change of the term accident to crash is a continuation of a transition that occurred last session when there were other changes made to the law specifically regarding crash reporting. As provided in that bill last session, the term accident implies that the event occurred unexpectedly or by chance while the term crash means there are predictable contributing factors. The change in this bill will revise all other sections of century code that reference motor vehicle accidents and replace them with crashes. The change in terminology is supported by the Vision Zero initiative.

We worked with legislative council to ensure we had an all-inclusive list in which these two terms are used, and what you have before you today is a bill that only changes the two terms throughout century code.

This concludes my testimony, I'd appreciate your support of this bill, and I would be glad to answer any questions you may have.



68<sup>th</sup> Legislative Assembly  
Testimony in Support of  
**Senate Bill No. 2053**  
House Transportation Committee  
February 16, 2023

TESTIMONY OF

**Captain Luke Hendrickson, NDHP**

Good morning, Chairman Ruby and members of the committee. My name is Luke Hendrickson and I serve as the administrative services division commander for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2053.

As you can see, the bill is 46 pages, but I will break it down to two areas. First, the purpose of this bill is to revise the term from highway patrolman to highway patrol trooper. Secondly, the bill would change the term accident to crash.

The term patrolman is not a reflection of our agency, considering we are made up of both men and women. This language change is just one step in the process that the highway patrol is doing to ensure females are welcomed into the agency. The term trooper is inclusive of both males and females. Quite frankly, this change should have been discussed in 1979 when the first female officer was hired to join the ranks of the highway patrol.

The change of the term accident to crash is a continuation of a transition that occurred last session in HB 1098 when there were other changes made to the law specifically regarding crash reporting. As explained last session, the term "accident" implies that the event occurred unexpectedly or by chance while the term "crash" means there are identifiable contributing factors. Not all crashes are accidents. Crashes that involve things such as impaired, distracted, speeding, reckless, and drivers who fail to yield are not accidents. Although most crashes are likely unintentional, they certainly aren't accidental. A crash that doesn't have a clear contributing human related factor, could be considered accidental, but it is still a crash.

This bill will revise all other sections of century code that reference motor vehicle accidents and replace them with crashes. The change in terminology is supported by the Vision Zero initiative. The National Highway Traffic Safety Administration (NHTSA) has officially used the term since 1997. The most recent data I was able to find indicates that, as of 2016, 28 states have transitioned away from the term accident and use crash.

We worked with legislative council to ensure we had an all-inclusive list in which these two terms are used, and what you have before you today is a bill that only changes the two terms throughout century code.



After the passage of this bill by the Senate 47-0, there was one area discovered in need of correction, and I've included a possible amendment at the end of my testimony to correct the error. On Page 5, line 3, after "~~patrolmen~~" insert "patrol" and renumber accordingly.

A couple of days ago there was a meeting with Mr. John Ward and representatives from State Farm Insurance about a potential amendment being brought forward to address concerns that the company has with moving away from the term accident in the areas addressed in Chapter 26.1 in NDCC. Those changes begin on line 12 of page 5 and end on line 13 of page 10 of this bill. I believe that Mr. Ward will provide additional information this morning regarding the proposed changes. It is unknown if we would be in support of the amendments or oppose them at this time.

This concludes my testimony, I'd appreciate your support of this bill, and I would be glad to answer any questions you may have.

23.8066.01001  
Title.

Prepared by the Legislative Council staff for  
Senator K. Roers  
January 15, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2053

Page 5, line 3, after "~~patrolmen~~" insert "patrol"

Renumber accordingly

23.8066.01001  
Title.

Prepared by the Legislative Council staff for  
Senator K. Roers  
January 15, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2053

Page 5, line 3, after "~~patrolmen~~" insert "patrol"

Renumber accordingly

Capt. Luke Hendrickson, NDHP  
3/28/23

Hello,

Here is the information I spoke with you about on SB2053. I am happy to say that all parties involved in the original hearing were able to work on this amendment and come up will language that could be agreed upon by all.

The amendment addresses the following:

- It cleans up some additional areas where the “patrolman” to “trooper” language needed some slight revision to flow properly. This also addresses a request from Sen Roers to make a correction she noticed.
- It retains the term “accident” in NDCC 26.1 (Insurance code) at the request of industry and the Insurance Commissioner’s Office
- IT retains the term “accident” in NDCC 57-39.2-03.7, which deals with surcharge on rental vehicles and accident insurance is mentioned.
- In the areas of the 39 code where insurance is also mentioned, it amends to read “accident or crash” in several areas. This seems like a reasonable tie between the term “accident” in insurance related code and “crash” in motor vehicle related code.
- It adds the following statement of legislative intent, originally requested by industry, but also revised by the NDHP and NDDOT to help better define what a crash is from an investigation and reporting perspective:

*“The legislative assembly in adopting title 39 recognizes that not all crashes are accidental. Crash encompasses all types of motor vehicle impacts, collisions, or incidents outlined in the US Department of Transportation’s Model Minimum Uniform Crash Criteria. Nothing in this title is intended to alter the legal rights and obligations under title 26.1 of the North Dakota Century Code.”*

- Lastly, if you recall in SB2054 relating to the powers of the highway patrol, there was language in that bill which also had the language revision of “accident” to “crash”. As you likely recall, the committee amended out that change pending the outcome of the work on SB2053. Since SB2054 has passed the house as amended, we respectfully ask that the correction back to “crash” be made in SB2053 through this amendment. Here’s a snip from page 2, line 7 of the marked-up version of SB2054 which passed the house.

7 | 7. To investigate traffic ~~accidents~~crashes and secure testimony of witnesses or of  
8 persons involved.

Thanks for your time today and I hope the roads for your drive home are good,  
Capt. Luke Hendrickson, NDHP

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2053**

Page 1, line 3, remove "subdivision b of subsection 1 of"

Page 1, line 4, remove "section 26.1-25-02, sections"

Page 1, line 4, remove "26.1-25-04.2, 26.1-25-04.3, subsections 2, 14,"

Page 1, remove line 5

Page 1, line 6, remove "subsection 2 of section 26.1-41-06, sections 26.1-41-14, 26.1-41-15, 26.1-41-19,"

Page 1, line 10, after "39-03-07," insert "subsection 7 of section 39-03-09, sections"

Page 2, line 6, after "54-52.1-03.3," insert "and"

Page 2, line 6, remove ", and section 57-39.2-03.7"

Page 2, line 14, overstrike "state" and immediately thereafter insert "highway patrol"

Page 5, line 3, after "~~patrolmen~~" insert "highway patrol"

Page 5, remove lines 7 through 9

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 13

Page 12, line 23, after "and their use." insert:

"The legislative assembly in adopting title 39 recognizes that not all crashes are accidental. Crash encompasses all types of motor vehicle impacts, collisions, or incidents outlined in the US Department of Transportation's Model Minimum Uniform Crash Criteria. Nothing in this title is intended to alter the legal rights and obligations under title 26.1 of the North Dakota Century Code."

Page 16, after line 12 insert:

**SECTION 36. AMENDMENT.** Subsection 7 of section 39-03-09 of the North Dakota Century Code is amended and reenacted as follows:

7. To investigate traffic ~~accidents~~crashes and secure testimony of witnesses or of persons involved.

Page 18, after "highway" insert "patrol"

Page 33, line 4, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 33, line 15, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 3, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 7, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 10, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 12, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 18, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 28, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 30, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 34, line 31, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 35, line 6, remove the overstrike over "accident" and insert immediately thereafter "or"

Page 45, remove lines 15 through 31

Page 46, remove lines 1 through 8

Renumber accordingly