

2023 HOUSE TRANSPORTATION

HB 1141

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1141
1/12/2023

A bill relating to yielding the right of way for a stationary motor vehicle.
--

Chairman Ruby opened the hearing at 9:20am.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

Discussion Topics:

- Motor vehicles stopped along state's interstate or multi-lane divided highways
- Slow Down, Move Over law
- Impositions of citations and fines

Representative Schauer introduced the bill (#13036).

Gene LaDoucer, AAA – The Auto Club Group, testified in support (#13116)

Joshua Edward, Paramedic for Killdeer Area Ambulance, testified in support (#13114)

Wade Kadrmas, Safety and Education Officer at State Highway Patrol, neutral testimony verbally.

Additional written testimony: Daryl Dukart ND citizen (#12602)

Chairman Ruby closed the hearing at 10:05am.

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1141
1/12/2023

A bill relating to yielding the right of way for a stationary motor vehicle.

11:10 AM Chairman Ruby: Opens meeting

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

Discussion Topics:

- Proposed amendment
- Committee vote

Casey Orvedal, Law Intern, explained the proposed amendment. On page 1, line 7, add a comma after “system” and after the second “or” insert “on a” then on line 8, after “highway” insert “outside the limits of a city.”

Representative Dobervich moved the amendment.

Representative Christensen seconded the motion.

Roll call vote:

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

Motion carried 14-0-0

Representative Dobervich moved a Do Pass as Amended.

Representative Christensen seconded the motion.

Roll call vote:

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

Motion carries: 12-2-0

Representative Wagner: Carries

Meeting adjourns: 11:22 AM

Mary Brucker, Committee Clerk By Leah Kuball

January 12, 2023

JA 1-12-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1141

Page 1, line 7, after the second "or" insert "a"

Page 1, line 8, after "highway" insert "outside the limits of a city"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1141: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Sixth order on the calendar.

Page 1, line 7, after the second "or" insert "a"

Page 1, line 8, after "highway" insert "outside the limits of a city"

Renumber accordingly

2023 SENATE TRANSPORTATION

HB 1141

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1141
3/3/2023

Relating to yielding the right of way for a stationary motor vehicle.

10:51 AM Chairman Clemens opens hearing.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulsen.**

Discussion Topics:

- Disabled vehicles
- Amendment
- Move over law

10:53 AM Representative Schauer introduced bill and proposed amendment. LC 23.0578.03001 #21924

10:55 AM Gene LaDoucer, AAA-The Auto Club Group, testified in favor. #21768

11:03 AM Brian Barrett, ND Towing Association, introduced Emily Kuntz

11:03 AM Emily Kuntz, citizen, testified verbally in favor.

11:04 AM Wade Kadrmas, Safety and Education officer for the North Dakota Highway Patrol, testified verbally neutral.

Additional written testimony:

Philip Kuntz #21770

Joshua Edwards #21859

Leah Kelm #21874

11:07 AM Chairman Clemens adjourns hearing.

Nathan Liesen, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1141
3/23/2023

Relating to yielding the right of way for a stationary motor vehicle; and to provide a penalty.

10:10 AM Chairman Clemens opened the meeting.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulson.**

Discussion Topics:

- Committee Action
- Amendment

10:13 AM Senator Larsen moved to adopt Amendment. LC 23.0578.03001

10:14 AM Senator Conley seconded.

Roll call vote

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

Passed 5-0-0

10:17 AM Senator Larsen moved Do Pass as Amended.

10:17 AM Senator Conley seconded.

Roll call vote

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

Passed 5-0-0

Senator Larsen will carry the bill.

10:19 AM Chairman Clemens closed the meeting.

Nathan Liesen, Committee Clerk

February 6, 2023

AG
3-23-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1141

Page 1, line 7, after "system" insert an underscored comma

Page 1, line 8, after "city" insert an underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1141, as engrossed: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1141 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 7, after "system" insert an underscored comma

Page 1, line 8, after "city" insert an underscored comma

Renumber accordingly

TESTIMONY

HB 1141

January 9th, 2023

House Transportation Committee:

Please SUPPORT “Move Over or Slow Down for Stationary Vehicles”

HB 1141

While North Dakota has a strong Slow Down, Move Over statute that attempts to protect these workers, 36% of the motoring public is aware of the law. What’s more, as currently written, North Dakota law only applies to authorized emergency vehicles or vehicles used for maintaining the state highway system when displaying a flashing, revolving, or rotating amber, blue, white, or red light. **It does not apply to commercial motor carriers, public utility workers, buses or any other vehicle disabled on the side of the highway, including officers or highway workers traveling in a personal vehicle. In effect, the current law protects vehicles, not the driver or passenger of the vehicles.**

HB 141 would **protect all North Dakotans** by extending existing Slow Down, Move Over protections to *any* disabled vehicle, with flashers on, at the roadside. That’s important: **Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle** – in part because only 9 states currently protect drivers in this common situation. North Dakota is not yet one of them. From 2017-2021, an average of 1 vehicle is struck per month while sitting stationary along an interstate or multi-lane highway in North Dakota.

While North Dakota has a robust Slow Down, Move Over law as it applies to emergency vehicles, **all North Dakotans deserve protection** – and this bill, combined with existing laws, would make our state a *national leader* on roadside safety.

Thank you for your service as an North Dakota Legislator.

North Dakota citizen,

Daryl Dukart

Thank you, Mr. Chairman, and members of the House Transportation Committee.

My name is Austen Schauer representing District 13 in West Fargo.

House Bill Number 1141 will help **clarify** current law while providing a level of protection to people in a vehicle who find themselves stranded along the state's interstate or multi-lane divided highways.

The **current law** specifically addresses emergency and Department of Transportation vehicles displaying a flashing, revolving, or rotating amber, blue, white, or red light.

Many drivers are left unsure of what vehicles that includes.

Does it include tow trucks, a personal vehicle operated by a volunteer firefighter, or a tractor mowing the right-of-way?

What it clearly **doesn't** cover is a school bus, a motor coach, a tractor-trailer, or the family vehicle driven by your son, daughter, or anyone else.

A law enforcement officer performing official duties **is** covered by the law, but that same officer who is **off duty** is **not**.

Testimony in Support of HB 1141
House Transportation Committee – January 12, 2023
Joshua Edwards, Nationally Registered Paramedic

Good morning, Chairman Ruby, Representative Christensen and members of this committee.

My name is Joshua Edwards. I am a resident of District 24 and work as a Paramedic for Killdeer Area Ambulance, a rural ambulance taxing district located in Dunn County within District 26.

I speak today at the urging of my fellow members of Killdeer Area Ambulance Service in support of House Bill 1141.

The CDC, NIOSH, NHTSA and EMS, police and fire agencies have compiled and published studies, white papers and reports full of statistics regarding vehicle related pedestrian injuries and deaths. The Emergency Responder Safety Institute has created a website *ReportStruckBy.com* to catalog these incidents because they are becoming so frequent. I hate to say it, but I was always bored by statistics. They didn't really mean anything because they were just numbers and percentages used to support an opinion. My view of statistics changed on December 4, 2021 when I became a statistic. At mile marker 98 on ND Highway 22, I was struck by a pickup truck while I was giving care to a critically injured victim of a vehicle rollover.

In EMS we train on scene safety constantly. It is our first consideration on every ambulance call and I am well aware how much my safety and that of my patient is my responsibility. Scene safety was a hot topic at Killdeer Ambulance during that first week of December 2021. On December 1, a local resident and strong supporter of the ambulance service stopped to help another driver change a flat tire. Near mile marker 110 on ND Highway 22, she pulled her vehicle safely to the side of the road and crossed the highway to assist the driver of the safely parked disabled vehicle. She was struck by a vehicle attempting to pass the disabled vehicle and was killed instantly.

On December 4, safety was utmost in my mind when I exited my unit and I had done everything right. The three ambulances were parked on scene with emergency lights flashing. The Fire Chief, emergency lights engaged, parked his vehicle to protect the scene.



Testimony in Support of HB 1141
House Transportation Committee – January 12, 2023
Joshua Edwards, Nationally Registered Paramedic

Deputies were parked with emergency lights flashing and were directing traffic around the crash appropriately. With complete disregard for safety or the lives he was risking, the driver of a pickup truck placed his convenience at greater value than the lives of my patient, my crews, the Deputies and myself. Driving at a high rate of speed, he entered the oncoming lane, passing four parked emergency vehicles with lights flashing and changed lanes, hitting the open compartment door of the ambulance I was entering and striking me on the right side of my body.

You won't see any injuries looking at me today. With medical treatment, I was able to return to my work as a Paramedic. I will continue to have physical effects of the trauma I sustained throughout my life. You won't see the psychological and emotional effects both incidents caused to myself, my family and my coworkers. You also won't see the expense inflicted on the Killdeer community (supported by taxpayer dollars) through medical bills, overtime expense, replacement of damaged equipment, increased WSI rates, insurance claims, safety training and mental health services.

I understand that speeding and driving recklessly are personal decisions and behavior cannot be legislated.

I believe that laws and penalties for breaking these laws lead to a functional and safe society.

I believe that our current "Slow Down, Move Over" statute does not clearly state expectations and should include personal vehicles and penalties.

I and the EMS providers that I represent today urge a "Do Pass" recommendation on House Bill 1141. Please, do all you can to protect the emergency responders as well as your constituents that use the highways of the State of North Dakota.

Thank you for your service to those who serve, protect and live in our state and for your time and consideration of House Bill 1141.



Testimony in Support of HB 1141
House Transportation Committee – Jan. 12, 2023
Gene LaDoucer, AAA-The Auto Club Group

Good morning, Chairman Ruby and members of the committee. My name is Gene LaDoucer, and I represent AAA-The Auto Club Group.

AAA fully supports House Bill 1141, which requires drivers approaching a disabled vehicle displaying hazard warning lights to make a lane change into an available lane not immediately adjacent to the disabled vehicle, or to slow to a reasonable and prudent speed that is safe for conditions.

Whether there is a police officer, fireman, tow truck driver or motorist with a disabled vehicle on the side of the highway, AAA implores motorists to slow down and, if safe to do so, change lanes to create safe space. Unfortunately, the way the current law is written, motorists may find it difficult to distinguish between nuances of the law as they travel at interstate speeds.

In fact, at AAA we often hear from motorists who say they are either unaware of state laws that require them to slow down and move over for emergency vehicles or that they are uncertain which groups or types of vehicles apply. A AAA survey of North Dakota drivers conducted last fall found that 36% of respondents were 'unsure' or thought there was 'no' Move Over law in the state.

The confusion may be found in the law itself. Currently there are 56 lines in the North Dakota Century Code dedicated to defining an "authorized emergency vehicle." There is no definition for a highway maintenance vehicle. Instead, the law states, "a driver shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway wherever such vehicle displays flashing lights." At what point will a driver traveling at 75 mph determine whether or not a stationary vehicle ahead is covered by the law?

There is no question that being on the side of a highway is dangerous for everyone:

- Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle.
- In 2019, across the country, 44 emergency responders who were working at the roadway were struck and killed, including 18 law enforcement officers, 14 tow truck operators, 3 mobile mechanics, and 9 firefighters and EMS personnel.
- According to the Centers for Disease Control and Prevention, the towing industry is 15 times deadlier than all other private industries combined. On average, a tow truck driver is killed every other week in the United States while assisting stranded motorists.
- North Dakota tow contractors have reported numerous near missies or had their vehicles struck while rendering assistance to stranded motorists.
- In North Dakota, an average of one stationary vehicle is struck each month along the state's interstate or multi-lane highways (2017-2021).
- The North Dakota Highway Patrol records on average of 2,980 motorists assists each year along the state's interstate and multi-lane highways (2017-2021).
- 12 NDHP vehicles have been struck along the state's highways since 2016.

While most drivers do move over a lane or slow down for disabled vehicles, not all do. Last fall's AAA survey also found that about one in every 10 North Dakota drivers "never", "rarely" or only "sometimes" abide by that unwritten rule.

The underlying purpose of HB 1141 is to put the unwritten rule into writing. Doing so makes the law clearer; education efforts become much easier; enforcement is straight forward; and the safety of all road users is improved – including emergency and road maintenance workers both on and off duty.

Several states have extended Move Over protections to include motorists with disabled vehicles at the roadside, including: Arizona, Connecticut, Illinois, Iowa, Oklahoma, Oregon, Pennsylvania, and Tennessee. Passing HB 1411 would make our state a national leader on roadside safety.

Mr. Chairman, and members of the committee, on behalf of AAA-The Auto Club Group and our more than 70,000 members in North Dakota, I urge a "Do Pass" recommendation on HB 1141.

AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.



Please SUPPORT “Move Over or Slow Down for Stationary Vehicles”

HB 1141

The Challenge

Law enforcement officers, firefighters, emergency medical personnel, road crews and tow operators conduct valuable and often life-saving operations at the roadside that keep North Dakotans safe and ensure the steady flow of commerce on our roadways.

This work is inherently dangerous. In fact, per the Centers for Disease Control and Prevention, the towing industry is 15 times deadlier than all other private industries combined. In 2019, across the country, 44 emergency responders who were working at the roadway were struck and killed, including 18 law enforcement officers, 14 tow truck operators, 3 mobile mechanics, and 9 firefighters and EMS personnel.

While North Dakota has a strong Slow Down, Move Over statute that attempts to protect these workers, 36% of the motoring public is aware of the law. What’s more, as currently written, North Dakota law only applies to authorized emergency vehicles or vehicles used for maintaining the state highway system when displaying a flashing, revolving, or rotating amber, blue, white, or red light. **It does not apply to commercial motor carriers, public utility workers, buses or any other vehicle disabled on the side of the highway, including officers or highway workers traveling in a personal vehicle. In effect, the current law protects vehicles, not the driver or passenger of the vehicles.**

The Opportunity

We have an opportunity to **protect all motorists** while streamlining North Dakota’s Slow Down, Move Over law, thereby increasing understanding, simplifying enforcement, and lending greater protection to first responders. While it’s true that most drivers do move over a lane or slow down for disabled vehicles, not all do. An online survey conducted by AAA last year found that **about one in every 10 North Dakota drivers never, rarely or only sometimes abide** by that unwritten rule. Putting the unwritten rule into law will help with education and enforcement efforts and benefit all road users.

HB 141 would **protect all North Dakotans** by extending existing Slow Down, Move Over protections to *any* disabled vehicle, with flashers on, at the roadside. That’s important: **Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle** – in part because only 9 states currently protect drivers in this common situation. North Dakota is not yet one of them. From 2017-2021, an average of 1 vehicle is struck per month while sitting stationary along an interstate or multi-lane highway in North Dakota.

While North Dakota has a robust Slow Down, Move Over law as it applies to emergency vehicles, **all North Dakotans deserve protection** – and this bill, combined with existing laws, would make our state a *national leader* on roadside safety.

If signed into law, AAA is committed to an extensive, statewide public education campaign to inform North Dakota drivers about this bill’s important new protections – and how easy it is to protect lives by abiding by this straightforward law.

If you have any questions, please contact Gene LaDoucer at 701-367-9257.

39-10-47. Stopping, standing, or parking outside of business or residence districts.

1. An individual may not stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of any highway if it is practicable to stop, park, or so leave the vehicle off the paved or main-traveled part of the highway.

39-21-26. Special restrictions on lamps.

1. Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and schoolbus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower must be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet [22.86 meters] from the vehicle.

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

3. Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

Testimony in Support of HB 1141
Senate Transportation Committee – March 3, 2023
Gene LaDoucer, AAA-The Auto Club Group

Good morning, Chairman Clemens and members of the committee. My name is Gene LaDoucer, and I represent AAA-The Auto Club Group.

AAA fully supports House Bill 1141, which requires drivers approaching a disabled vehicle displaying hazard warning lights to make a lane change into an available lane not immediately adjacent to the disabled vehicle, or to slow to a reasonable and prudent speed that is safe for conditions.

Whether there is a police officer, fireman, tow truck driver or motorist with a disabled vehicle on the side of the highway, AAA implores motorists to slow down and, if safe to do so, change lanes to create safe space. Unfortunately, the way the current law is written, motorists may find it difficult to distinguish between nuances of the law as they travel at interstate speeds.

In fact, at AAA we often hear from motorists who say they are either unaware of state laws that require them to slow down and move over for emergency vehicles or that they are uncertain which groups or types of vehicles apply. A AAA survey of North Dakota drivers conducted last fall found that 36% of respondents were ‘unsure’ or thought there was ‘no’ Move Over law in the state.

The confusion may be found in the law itself. Currently there are 56 lines in the North Dakota Century Code dedicated to defining an “authorized emergency vehicle.” There is no definition for a highway maintenance vehicle. Instead, the law states, “a driver shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway wherever such vehicle displays flashing lights.” At what point will a driver traveling at 75 mph determine whether or not a stationary vehicle ahead is covered by the law?

There is no question that being on the side of a highway is dangerous for everyone:

- Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle.
- In 2019, across the country, 44 emergency responders who were working at the roadway were struck and killed, including 18 law enforcement officers, 14 tow truck operators, 3 mobile mechanics, and 9 firefighters and EMS personnel.
- According to the Centers for Disease Control and Prevention, the towing industry is 15 times deadlier than all other private industries combined. On average, a tow truck driver is killed every other week in the United States while assisting stranded motorists.
- North Dakota tow contractors have reported numerous near missies or had their vehicles struck while rendering assistance to stranded motorists.
- In North Dakota, an average of one stationary vehicle is struck each month along the state’s interstate or multi-lane highways (2017-2021).
- The North Dakota Highway Patrol records on average of 2,980 motorists assists each year along the state’s interstate and multi-lane highways (2017-2021).
- Twelve (12) NDHP vehicles have been struck along the state’s highways since 2016.

While most drivers do move over a lane or slow down for disabled vehicles, not all do. Last fall's AAA survey also found that about one in every 10 North Dakota drivers "never", "rarely" or only "sometimes" abide by that unwritten rule. When it comes to emergency vehicles already covered by the law, the North Dakota Highway Patrol reports they have cited more than 1,600 drivers between 2017 and 2022 for not providing emergency responders the room necessary to perform their duties safely. They issued warnings to an additional 500 drivers.

The underlying purpose of HB 1141 is to put the unwritten rule into writing. Doing so makes the law clearer; education efforts become much easier; enforcement is straight forward; and the safety of all road users is improved – including emergency and road maintenance workers both on and off duty.

Several states have extended Move Over protections to include motorists with disabled vehicles at the roadside, including: Arizona, Connecticut, Illinois, Iowa, Oklahoma, Oregon, Pennsylvania, and Tennessee. Passing HB 1141 would make our state a national leader in roadside safety.

Mr. Chairman, and members of the committee, on behalf of AAA-The Auto Club Group and our more than 70,000 members in North Dakota, I urge a "Do Pass" recommendation on HB 1141.

AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.



Please SUPPORT “Move Over or Slow Down for Stationary Vehicles”

HB 1141

The Challenge

Law enforcement officers, firefighters, emergency medical personnel, road crews and tow operators conduct valuable and often life-saving operations at the roadside that keep North Dakotans safe and ensure the steady flow of commerce on our roadways.

This work is inherently dangerous. In fact, per the Centers for Disease Control and Prevention, the towing industry is 15 times deadlier than all other private industries combined. In 2019, across the country, 44 emergency responders who were working at the roadway were struck and killed, including 18 law enforcement officers, 14 tow truck operators, 3 mobile mechanics, and 9 firefighters and EMS personnel.

While North Dakota has a strong Slow Down, Move Over statute that attempts to protect these workers, 36% of the motoring public is unaware of the law. What’s more, as currently written, North Dakota law only applies to authorized emergency vehicles or vehicles used for maintaining the state highway system when displaying a flashing, revolving, or rotating amber, blue, white, or red light. **It does not apply to commercial motor carriers, public utility workers, buses or any other vehicle disabled on the side of the highway, including officers or highway workers traveling in a personal vehicle. In effect, the current law protects vehicles, not the driver or passenger of the vehicles.**

The Opportunity

We have an opportunity to **protect all motorists** while streamlining North Dakota’s Slow Down, Move Over law, thereby increasing understanding, simplifying enforcement, and lending greater protection to first responders. While it’s true that most drivers do move over a lane or slow down for disabled vehicles, not all do. An online survey conducted by AAA last year found that **about one in every 10 North Dakota drivers never, rarely or only sometimes abide** by that unwritten rule. Putting the unwritten rule into law will help with education and enforcement efforts and benefit all road users.

HB 141 would **protect all North Dakotans** by extending existing Slow Down, Move Over protections to *any* disabled vehicle, with flashers on, at the roadside. That’s important: **Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle** – in part because only 9 states currently protect drivers in this common situation. North Dakota is not yet one of them. From 2017-2021, an average of 1 vehicle is struck per month while sitting stationary along an interstate or multi-lane highway in North Dakota.

While North Dakota has a robust Slow Down, Move Over law as it applies to emergency vehicles, **all North Dakotans deserve protection** – and this bill, combined with existing laws, would make our state a *national leader* on roadside safety.

If signed into law, AAA is committed to an extensive, statewide public education campaign to inform North Dakota drivers about this bill’s important new protections – and how easy it is to protect lives by abiding by this straightforward law.

If you have any questions, please contact Gene LaDoucer at 701-367-9257.

Philip,

Good morning transportation committee,

My name is Philip Kuntz and in here speaking on behalf of the North Dakota Towing Association. My mom and dad own Ace and Berg's 24-Hour Towing. With my mom, dad, myself and all the wonderful employees we have putting their life at risk to help others no matter the situation. Anything that you can do to help all tow truck drivers and first responders to stay safe would be appreciated. Everyone deserves to go home to their families and loved ones at the end of the night. Anything you can do to help us with the white line would be great.

Thank you.

Testimony in Support of HB 1141
House Transportation Committee – January 12, 2023
Joshua Edwards, Nationally Registered Paramedic

Good morning, Chairman Ruby, Representative Christensen and members of this committee.

My name is Joshua Edwards. I am a resident of District 24 and work as a Paramedic for Killdeer Area Ambulance, a rural ambulance taxing district located in Dunn County within District 26.

I speak today at the urging of my fellow members of Killdeer Area Ambulance Service in support of House Bill 1141.

The CDC, NIOSH, NTSA and EMS, police and fire agencies have compiled and published studies, white papers and reports full of statistics regarding vehicle related pedestrian injuries and deaths. The Emergency Responder Safety Institute has created a website *ReportStruckBy.com* to catalog these incidents because they are becoming so frequent. I hate to say it, but I was always bored by statistics. They didn't really mean anything because they were just numbers and percentages used to support an opinion. My view of statistics changed on December 4, 2021 when I became a statistic. At mile marker 98 on ND Highway 22, I was struck by a pickup truck while I was giving care to a critically injured victim of a vehicle rollover.

In EMS we train on scene safety constantly. It is our first consideration on every ambulance call and I am well aware how much my safety and that of my patient is my responsibility. Scene safety was a hot topic at Killdeer Ambulance during that first week of December 2021. On December 1, a local resident and strong supporter of the ambulance service stopped to help another driver change a flat tire. Near mile marker 110 on ND Highway 22, she pulled her vehicle safely to the side of the road and crossed the highway to assist the driver of the safely parked disabled vehicle. She was struck by a vehicle attempting to pass the disabled vehicle and was killed instantly.

On December 4, safety was utmost in my mind when I exited my unit and I had done everything right. The three ambulances were parked on scene with emergency lights flashing. The Fire Chief, emergency lights engaged, parked his vehicle to protect the scene.



Testimony in Support of HB 1141
House Transportation Committee – January 12, 2023
Joshua Edwards, Nationally Registered Paramedic

Deputies were parked with emergency lights flashing and were directing traffic around the crash appropriately. With complete disregard for safety or the lives he was risking, the driver of a pickup truck placed his convenience at greater value than the lives of my patient, my crews, the Deputies and myself. Driving at a high rate of speed, he entered the oncoming lane, passing four parked emergency vehicles with lights flashing and changed lanes, hitting the open compartment door of the ambulance I was entering and striking me on the right side of my body.

You won't see any injuries looking at me today. With medical treatment, I was able to return to my work as a Paramedic. I will continue to have physical effects of the trauma I sustained throughout my life. You won't see the psychological and emotional effects both incidents caused to myself, my family and my coworkers. You also won't see the expense inflicted on the Killdeer community (supported by taxpayer dollars) through medical bills, overtime expense, replacement of damaged equipment, increased WSI rates, insurance claims, safety training and mental health services.

I understand that speeding and driving recklessly are personal decisions and behavior cannot be legislated.

I believe that laws and penalties for breaking these laws lead to a functional and safe society.

I believe that our current "Slow Down, Move Over" statute does not clearly state expectations and should include personal vehicles and penalties.

I and the EMS providers that I represent today urge a "Do Pass" recommendation on House Bill 1141. Please, do all you can to protect the emergency responders as well as your constituents that use the highways of the State of North Dakota.

Thank you for your service to those who serve, protect and live in our state and for your time and consideration of House Bill 1141.



Testimony in Support of HB 1141
House Transportation Committee – January 12, 2023
Joshua Edwards, Nationally Registered Paramedic



**Highway Department**

1201 Main Avenue West
West Fargo, ND 58078-1301
Phone: (701) 298-2370
Fax: (701) 298-2395

To: North Dakota Senate Transportation Committee
From: Leah Kelm
Date: March 2, 2023
RE: Testimony IN FAVOR of HB 1141

North Dakota Senate Transportation Committee,

As it is currently written, North Dakota's "Slow Down, Move Over" law only applies to authorized emergency vehicles or vehicles used for maintaining the state highway system when displaying a flashing, revolving, or rotating amber, blue, white, or red light. It does not apply to any other vehicle disabled on the side of our roads.

Slowing down and/or moving over for a disabled vehicle seems like common sense. However, an online survey conducted by AAA last year found that about one in every ten North Dakota drivers never, rarely, or only sometimes abide by the unwritten rule.

Across the country, nearly 350 people are struck and killed every year while outside a disabled vehicle. As soon as a person exits their disabled vehicle, they become a pedestrian. According to NHTSA, it is estimated that about 5 percent of pedestrians would die when struck by a vehicle traveling 20 mph at impact; about 40 percent would die from vehicles traveling 30 mph at impact; 80 percent at 40 mph; and nearly 100 percent would die when struck by vehicles traveling at speeds over 50 mph at impact. If there is no speed limit posted, North Dakota highways and interstates have speed limits between 55-75 mph. By slowing down and moving over, drivers are able to create a safer environment for those on and off our roads.

HB 1141 would protect all North Dakotans by extending existing "Slow Down, Move Over" protections to any disabled vehicle, with flashers on, at the roadside.

I sincerely appreciate your consideration of a "Do Pass" committee recommendation for HB 1141. Please let me know if you have any questions regarding my testimony or if you are interested in discussing the importance of updating North Dakota's "Slow Down, Move Over" law further.

A handwritten signature in black ink that reads "Leah Kelm".

Leah Kelm
Vision Zero Coordinator (SE Region)
Cass County Highway Department
(701) 367-2021 | kelml@casscountynd.gov

23.0578.03001
Title.

Prepared by the Legislative Council staff for
Representative Schauer
February 6, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1141

Page 1, line 7, after "system" insert an underscored comma

Page 1, line 8, after "city" insert an underscored comma

Renumber accordingly