

2023 SENATE TRANSPORTATION

SB 2362

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2362
2/3/2023

Relating to safety belt usage & relating to secondary enforcement of safety belt requirements; and to provide a penalty.

9:00 AM Chairman Clemens opened hearing.

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

Discussion Topics:

- Operator accountability
- County roads
- Seatbelt enforcement
- Lives saved
- Crash data
- ND Vision Zero Plan
- Emergency medical services
- Fiscal standpoint

9:01 AM Senator Rummel introduced bill. #19031

9:06 AM Ryan Gellner, North Dakota Association of Counties, testified in favor. #18847

9:12 AM Ron Henke - Director of the North Dakota Department of Transportation, testified in favor. #18915 #18916

9:16 AM Christa Kovarik, Highway Patrol Trooper for ND, testified in favor. #17247

9:26 AM Carma Hanson, registered nurse and the Coordinator of Safe Kids Grand Forks, testified in favor. #18883

9:34 AM Dawn Mayer, Child Passenger Safety Program Director in the Division of Public Health of the North Dakota Department of Health and Human Services (Department), testified in favor. #18858

9:36 AM Stephanie Dassinger Engebretson – Deputy Director & Attorney for ND league of Cities, verbally testified in favor.

9:37 AM Augustus Jensen, Junior at Flasher High School and Race Car Driver, testified in favor. #18882

9:40 AM Andrew Schneider, Sheriff of Grand Forks County, testified in favor. #18658

9:56 AM Leah Kelm, Vision Zero Coordinator (SE Region) Cass County Highway Department, testified in favor. #18890

9:59 AM Don Larson, General Motors, testified in favor. #19040

10:01 AM Arik Spencer, President and CEO for ND Motor Carriers Association, verbally testified in favor.

Additional written testimony:

Daryl Dukart #18438

Amanda Remynse #18444

Tim Blasl #18468

Jason Benson #18624

Travis Bateman #18716

Gene Ladoucer #18770

Becky Hardy #18826

Theresa Liebsch #18845

Amy Covington #18880

Courtney Koebele #18901

Kelli Just #18933

Kaitlin Atkinson #19004

Dennis Snodgrass #19017

Sarah Myers #19019

10:02 AM Chairman Clemens adjourned hearing.

Nathan Liesen, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2362
2/3/2023

Relating to safety belt usage & relating to secondary enforcement of safety belt requirements; and to provide a penalty.

10:43 AM Chairman Clemens opens hearing.

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

Discussion Topics:

- Committee action

10:44 AM Senator Rummel motioned a Do Pass.

10:44 AM Senator Conley seconded.

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

Motion passed 3-2-0

10:45 AM Senator Rummel will carry.

10:46 AM Chairman Clemens adjourns meeting.

Nathan Liesen, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2362: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2362 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE TRANSPORTATION

SB 2362

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2362
3/9/2023

A bill relating to safety belt usage and relating to secondary enforcement of safety belt requirements.

Chairman D. Ruby opened the hearing at 2:31PM.

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

Discussion Topics:

- Primary offense
- Occupant requirement in vehicles
- Safety belt use
- Vision Zero

Senator Rummel verbally introduced the bill in support.

Ron Henke, Director of the North Dakota Department of Transportation, testified in support (#23136).

Karin Mongeon, Highway Safety Division Director with the North Dakota Department of Transportation, answered questions from the committee.

Brandon Solberg, Superintendent of the North Dakota Highway Patrol, testified in support (#23423).

Jason Benson, County Engineer with the Cass County Highway Department and on legislative committee with the North Dakota Association of County Engineers, testified in support (#23078).

Theresa Liebsch, Vision Zero Coordinator with the Burleigh County Sheriff's Department, testified in support (#23072).

Dawn Mayer, Child Passenger Safety Program Director with North Dakota Department of Health and Human Services, testified in support (#23293).

Kelly Leben, Sheriff with Burleigh County Sheriff's Department, testified in support (#22311).

Kelli Just, Paramedic of LaMoure, verbally testified in support.

Carma Hanson, Coordinator with Safe Kids Grand Forks, testified in support (#23258).

Cole Just, 8th grade in LaMoure High School and a member of the Vision Zero team, testified in support (#23202).

Leah Kelm, Regional Outreach Coordinator for Vision Zero with the Cass County Highway Department, testified in support (#23406).

Frank Senn, Chief of Police for the Beulah Police Department, testified in support (#23612).

Travis Bateman, Public Safety member, testified in support (#23298).

Amanda Remyse, North Dakota Motor Carriers Association, testified in support (#23613).

Shane Goettle, on behalf of General Motors, testified in support (#23212).

Aaron Hummel, Chief of Staff with the North Dakota Highway Patrol, verbally testified in support.

Tom Wheeler, Ray, North Dakota, testified in opposition (#24387).

Jaclyn Hall, Executive Director for the North Dakota Association for Justice, testified in opposition (#23616).

Carel Two Eagles, verbally testified in opposition.

Additional written testimony:

Support

<u>Name:</u>	<u>Testimony #</u>
Margaret Littlefield	23441
Augustus Jensen	23427
Bobbi Dickinson	23425
Amy Fiala	23422
Pete Kuhn, AARP of North Dakota	23419
Chester Paschke	23415
Jennifer Braun	23413
William Vasicek	23410
Dave Carlsrud	23405
Andrew Schneider	23402
Danny Weigel	23401
David Kurtz	23398
Carol Meidinger	23392
Jon Lampi	23387
Brandon Eberhardt	23386
Amy Eberle	23378
Kelli Kronschnabel	23362
Austin Atkinson	23351
Jessica Gonitzke	23346

Amy Covington	23332
Stephanie Engebretson	23277
Benjamin Axtman	23215
Amy Kempfer	23186
Cathy Chase	23184
Keenan Zundel	23178
Courtney Koebele	23149
Terry Kizziah Weaver	23124
Alyssa Preszler	23046
Gene LaDoucer	23011
Javayn Oylce	22995
Kaitlin Atkinson	22949
Keith Olson	22809
Timothy Bleth	22720
Jasmine Wangen	22640
Tina Sanders	22616
Daryl Dukart	22515
Ryan Gellner	22484
Christa Kovarik	22390
Tim Blasl	22346

Opposition

Lydia Gessele	23185
Ross Hausfeld	21893

Chairman D. Ruby closed the hearing at 5:07PM.

Mary Brucker, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2362
3/23/2023

A bill relating to safety belt usage and relating to secondary enforcement of safety belt requirements.

Chairman D. Ruby opened the meeting at 11:03 AM.

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:

- Committee discussion
- Committee vote

Representative Koppelman moved a **Do Not Pass**.

Representative Christensen seconded the motion.

Roll call vote:

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

Motion carried 9-5-0

Representative Koppelman is the bill carrier.

Chairman D. Ruby adjourned at 11:21 AM.

Mary Brucker, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2362: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2362 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2362



68th Legislative Assembly
Testimony in Support of
Senate Bill No. 2362
Senate Transportation Committee
February 3, 2023

TESTIMONY OF
Trooper Christa Kovarik

Good morning, Chairman Clemens and members of the Senate Transportation Committee. My name is Christa Kovarik and I have been a Trooper with the North Dakota Highway Patrol since 2003. I am here to provide testimony in support of Senate Bill 2362.

In the summer of 1984, we were planning a family trip to Oregon for our family reunion, and I remember my mom saying, 'we **WILL** wear our seatbelts on this trip'. What started then began a habit I didn't know I would cherish in the years to come. Flash forward almost ten years to May 1993 and I had just graduated from high school. I was accepted to NDSU for the fall semester and was having that teenage argument with my parents of **NEEDING** a new car for college as my 1979 Chrysler Cordoba just was not cool for NDSU. My parents gave me permission to take the family minivan as it was more reliable for the long trips back and forth to Fargo. On July 30, 1993, I was on my way home from Beulah to Hazen, the traffic at that time was busy due to the relatively new gas plant, coal mine, and power plant. Growing up, I had always avoided Highway 200 between Hazen and Beulah because of the "plant traffic". On that day, I was traveling home from Beulah and was at the 'spill piles' when I looked ahead and saw a vehicle in front of me, and I thought no big deal, but in my two years of driving, my defensive driving skills was pretty much zero.

I realized that the vehicle was stopped in front of me, I panicked and jammed on my brakes, and steered right. The vehicle spun and entered the ditch. As I was sliding through the ditch and rolling, I remember thinking, "Man, I hope I don't roll forever like on tv." I remember tasting dirt and grass as my vehicle rolled. My vehicle came to a stop on its roof in the ditch and I was suspended by my seatbelt in my seat. The roof was caved in just enough that my head was almost touching the top. I heard a voice asking, "Are you ok?". I replied, "Yes, but I can't get out of my seatbelt."

Someone crawled into my passenger side and tried to help me. Together, we finally released the pressure on the buckle, I was released and walked away from the vehicle. While walking up the hill, I met my cousin who was the fire chief from Hazen walking down the ditch toward my vehicle. He was a big, tough firefighter and he looked at me and said, "Hey." I responded back to him, "Hey" and that was that. Later, he read me the riot act for wrecking but was glad I was not hurt. I walked up the ditch to sit in a patrol car of a Beulah police officer who had responded to the scene and was first onsite. The ambulance arrived and I declined transport, however they made me wear a c-collar. I was waiting for my parents and was more nervous for that rather than anything else in the world at that point. Mercer County Deputy Ternes came over to ask me a few questions and presented me with a care required ticket. My parents arrived and while I expected the worst, they were just happy I was not injured. The family joke from then was that I didn't want to take that minivan to college, so I wrecked it. And yes, I had to take the uncool Chrysler to NDSU.

Over the years, I have always admired police officers and especially the highway patrol as I

saw them all the time on my trips back and forth to Fargo. Now here I am as a NDHP Trooper. Over the past 20 years, I have covered countless crashes and even more traffic stops. I have often heard from those I have stopped that a seatbelt law infringes on their right to do what they want. I can cite to them that in the 1972 case of Simon v. Sargent, the United States District Court of Massachusetts disagrees with the notion that police power does not extend to overcoming the right of an individual to incur traffic safety risks that involve only that person. The Court stated:

"From the moment of the injury, society picks the person up off the highway; delivers him with unemployment compensation if, after recovery, he cannot replace his lost job, and, if the injury causes permanent disability, may assume the responsibility for his and his family's continued subsistence. We do not understand a state of mind that permits [the person] to think that only he himself is concerned."

The courts agree that a seat belt is not an infringement on the rights of the person; driving is a privilege and with privilege comes responsibility and with that is the responsibility to care for your life and others on the road, including mine.

Think of the repercussions to a first responder at a crash where people are thrown out or crushed by the vehicle landing on top of them. How does that person respond, time after time, to crashes knowing the carnage that they might encounter following a crash.

I have witnessed a parent fall to their knees when hearing that their child was killed in a crash. I personally know several people who chose to not wear a seatbelt and that choice means they are not alive today. I have been to more than one crash where the person was thrown from the vehicle and died, and I can still see their lifeless face when I close my eyes at night.

This proposed seatbelt law is not a way for law enforcement to make more stops and meet a quota. As adults, we joke that the day can't start in the morning, unless we have our coffee. We take that coffee and put it in a travel mug, we protect it from the cold by putting the lid on it, so it doesn't spill. We place that mug in the cup holder in our car to keep it from tipping over and flying around if we must slow to turn, or swerve, or brake hard in traffic. Yet we question wearing a seatbelt in that same vehicle to protect our bodies and our lives. The coffee can be replaced, your life can not. This law is a no-cost way to save lives. People need to realize they are more valuable than coffee and that it costs NOTHING to buckle up every trip, every time.

That concludes my testimony, I would be happy to answer any questions.



Written Testimony for SB 2362

Good morning, Chairman Clemens, and members of the Senate Transportation Committee. My name is Daryl Dukart I have been a member of Vision Zero for many years now and served as a public official for more than 25 years in Dunn County. Serving from the Local Fire Board, Ambulance Board, School Board, and my last service before entering retirement was as a County Commissioner.

Over all these years I have heard, seen and experience the loss of life do to the lack of wearing your safety device provided for you in an motorized vehicle manufacturer. As the debate goes on and on about choice and "yes" we all like and appreciate the freedom of choice. So, why does the word (IF) come about so often when an individual is killed or seriously injured in a vehicle accident. Normally this word is related to the use of the **seat belt being clipped and in place around the users** in the Vehicle.

As a father, grandfather, great grandfather, friend of many neighbor parents and children I want to see them Sunday in church, at the next home basket ball game or at our next local community activity we are at together.

"YES" let's enforce Mandatory seat belt laws in North Dakota. Let's together "you members of this committee and me as the writer of this testimony say" It's time to make a different choice and vote YES on the SB2362

Please support SB2362.

Daryl Dukart

Dunn County

Dunn Center, ND



January 31, 2023

**Senate Transportation Committee
Chairman David Clemens
Senate Bill 2362**

Chairman Clemens and members of the Committee my name is Amanda Remyse, and I am representing the North Dakota Motor Carriers Association (NDMCA). NDMCA supports SB 2362.

NDMCA's mission statement is *"To Promote Highway Safety, Deliver Services and Provide Representation for Our Members"*. NDMCA members put safety first through improved driver training, investment in advanced safety technologies, and active participation in industry safety initiatives at the local, state and national levels.

The trucking industry is critical in transporting freight nationally and internationally. North Dakota trucking companies transport over 37,000 tons of freight per day. Currently, the Federal Motor Carrier Safety Regulations require commercial motor vehicle drivers to wear safety belts. Although this bill would not directly affect the trucking industry, safety of all users on our roads is a top priority for NDMCA.

NDMCA's Board of Directors approved policy statements includes support of a primary safety belt law. NDMCA asks for a do pass recommendation from the Senate Transportation Committee on SB 2362.



2023 SB 2362
Senate Transportation Committee
Senator Clemens, Chairman
February 3, 2023

Chairman Clemens and members of the Senate Transportation Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). We support Senate Bill 2362 and ask that you give this bill a **Do Pass** recommendation.

Hospitals support this bill because we know that increasing seat belt use is critical to reducing injury and saving lives. According to data from the Centers for Disease Control and Prevention (CDC), most drivers and passengers killed in vehicle crashes are unrestrained. Here are some other important points:

- Among drivers and front-seat passengers, seat belts reduce the risk of death by 45%, and cut the risk of serious injury by 50%.
- Seat belts prevent drivers and passengers from being ejected during a crash. People not wearing a seat belt are 30 times more likely to be ejected from a vehicle during a crash. More than 3 out of 4 people who are ejected during a crash die from their injuries.
- Seat belts save thousands of lives each year. Seat belts saved almost 13,000 lives in 2009. If all drivers and passengers had worn seat belts that year, almost 4,000 more people would be alive today.
- 53% of drivers and passengers killed in car crashes in 2009 were not wearing restraints.

Laws requiring seat belt use are either “primary” or “secondary” enforcement laws. Primary enforcement laws allow police officers to issue a ticket when a driver or a passenger is not wearing a seat belt. Secondary enforcement laws, such as our current law, only allow a police officer to issue a ticket for a seat belt violation if a driver has been pulled over for some other offense. Secondary enforcement significantly limits the ability to enforce seat belt laws. Rates of seat belt use are nine percent higher in primary enforcement states than secondary states. If the overall prevalence of seat belt use in states with secondary enforcement laws had matched the higher prevalence in states with primary laws, an additional 7.3 million adults would have buckled up in 2008. A primary enforcement seat belt law covering all passengers will increase seat belt use and save lives.

For these important reasons, we urge you to give this bill a **Do Pass** recommendation. Thank you.

Respectfully Submitted,
Tim Blasl, President, North Dakota Hospital Association

Testimony Prepared for the
Senate Energy and Natural Resources Committee
February 1, 2023
By: Jason Benson, Cass County Engineer



RE: Support SB 2362 Primary Seat Belt Use

Chairman Clemens and Senate Transportation Committee members, thank you for the opportunity to provide testimony on SB 2362. I am Jason Benson, the Cass County Engineer, and I also serve on the legislative committee for the ND Association of County Engineers. I am here to support the bill as proposed.

County Highway Departments across North Dakota have completed safety projects because of the 2014 NDDOT sponsored statewide Local Road Safety Plan (LRSP). The purpose of this plan was to identify safety emphasis areas, high priority safety strategies, at-risk locations, and develop safety investment options. One of the critical issues identified was the higher crash rate on rural paved roads. While gravel roads make up approximately 93% of North Dakota's 97,600 miles of rural local road system, approximately half of the severe crashes are on the paved roads that make up 7% of the rural system.

The LRSP therefore focused on the Cass County paved road network and a Risk Rating Criteria was developed for the paved roads based on: Density of Road Departure Crashes; Traffic Volume; Curve (Critical Radius) Density; Access Density; and Road Edge Risk Assessment. Cass County initially focused on safety strategies including rumble strips, pavement markings, pavement safety edges, and improved signing. The LRSP identified as the biggest safety recommendation action to improve streetlights, signage, pavement markings, and dynamic warning signs.

Since the 2014 LRSP, Cass County has applied for and received over \$1.75 million in HSIP and \$1.1 million in Safe Routes to Schools funding for critical intersections improvements and school zone safety projects. The HSIP funding, provided through the NDDOT, is over and above federal highway and bridge funds.

Our focus on roadway safety has reduced the number of crashes on our county roads. From 2006 to 2012 we averaged 71 crashes per year on our roadways. From 2013 to 2020 we averaged 54 crashes per year, for a reduction of 23% since implementing these safety projects. It is encouraging to see the decrease in crashes these two periods before and after the implementation of these systemic safety improvements.

While we are making improvements on the safety of our roadways, we cannot spend and build our way out of serious crashes and fatalities. The reality is that for no cost, we can implement a law that will require primary seat belt use. For no cost, we will have a much greater impact than the millions of dollars we have spent and the millions more needed to keep reducing crashes.

Chairman Clemens and committee members, I want to reiterate that NDACE supports the bill as written. Approving this change will encourage more seat belt use and prevent unnecessary serious injuries or fatalities on our county road networks

GRAND FORKS COUNTY SHERIFF'S OFFICE

122 S 5TH ST, SUITE 210

GRAND FORKS, NORTH DAKOTA 58201-4632

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SHERIFF ANDY SCHNEIDER



To: Transportation Committee Members
 From: Sheriff Andy Schneider
 Date: February 1, 2023
 RE: SB 2362

Dear Transportation Committee members,

My name is Andy Schneider, and I have the privilege of being the Sheriff of Grand Forks County. I come before you today to give testimony regarding why I am in favor of SB 2362, personally and professionally.

- By simply encouraging personal safety with a yes vote, you can have the most significant financial impact this session with a fiscal note of zero dollars.
- No driver is immune from being involved in a crash, nor can they completely control avoiding crashes.
- Persons' choices to not buckle up do not effect only that individual and their loved ones.
- Personal and professional experiences responding to crashes where persons were and were not buckled.
- Emotional impact on emergency responders.
- Financial impact on agencies for days off for responding officers (recovery from critical incidents). Cost for visits to Psychologists, return to work verification.
- Temporary impact on staffing for all first responders and all directly associated with victim.
- Implementation of new equipment and traffic violation laws has not resulted in exponential growth in citations for that offense, nor a significant reduction in deaths.
- Agency has daily operations, which do not allow constant enforcement of laws.
- All involved with this process have done what has been repeatedly asked by the legislature session after session. I respectfully request for the elected leaders to listen to all the experts and provide the missing link, a primary seat belt requirement.
- Buckle up, it will save your life someday.

I sincerely thank you for your time and consideration today. I am available at any time of day or night to further discuss this important bill with any and all of you.

Andy Schneider
 Sheriff
 Grand Forks County
 701-741-2269
 Andrew.schneider@gfcounty.org

To: North Dakota Senate – Transportation Committee

From: Travis F. Bateman

Date: February 1, 2023

RE: Testimony IN FAVOR of SB 2362

Good morning, Chairman Clemens and Members of the Senate Transportation Committee,

My name is Travis Bateman and I am submitting this testimony in favor of Senate Bill 2362.

I am speaking to this issue with the sincerest wish that we will finally stop seeing this subject come before our legislators over and over again when it is such a downright common-sense topic that it is sickening to know how many times it has had to come up in bill form and fail to pass.

This isn't about freedom. Not one bit. This is about saving lives and making the decision for those that otherwise would choose not to fasten their seat belt for a myriad of reasons. I served my country overseas in Iraq twice. I can speak to freedom and how vital it is to us as Americans and North Dakotans. But there is a fine line that needs to be drawn on the issue of people continuously being ever so ignorant as to not take the 3-5 seconds it takes to buckle up.

I served in North Dakota law enforcement for ten years. In those ten years, during the height of the latest oil boom for our state, myself and fellow peace officers, firefighters, EMS members, and 911 dispatchers handled more than our fair share of vehicle crashes. Those images, smells, sounds, scenes, locations, and the aftermaths stick with every one of us. They stick with me. It is a cumulative trauma that collects in our minds. And while people will argue that "you signed up for that" I must strongly disagree. We sign up to help our fellow human beings, we sign up to be that source of aid and assistance. We do not sign up to view the poor choices over and over, and over, and relive those scenes.

I have worked crashes where one to three people killed, in part to not wearing their seatbelts. Two triple fatalities in the span of 3 months. The second crash had the passengers been wearing seatbelts, one would not have contacted the driver with such velocity to end his life and the third would not have been violently removed from the vehicle when the doors were sheered off upon impact. And still others, where it is so blatantly obvious given the still structurally intact passenger compartment of a vehicle that a crash was entirely survivable but for the occupant's total disregard to buckle up, resulting in their ejection. And most everyone can understand that it isn't the crash that kills. It's that sudden stop.

This issue is one of the greatest tragic issues in my opinion from my experiences in public safety. To be even having to have this issue still exist in 2023 does not make sense. The statistics are there for everyone to see from the North Dakota Highway Patrol and Vision Zero that we still have far too many motorists on North Dakota roadways that are not applying the simplest life preserving tool. People are also thinking that airbags will save them or keep them inside a vehicle. That is incorrect. Neither of those two devices will work as designed without the other employed. They work in tandem, not individually.

What I can tell you from my experiences is that I was more comfortable arriving to a crash scene with someone screaming in pain or yelling for help than I ever was to pull up to a scene where nothing was moving, vehicles destroyed, debris covering the roadway, and the deafening and haunting silence of a scene where there is no longer someone alive. Or the single vehicle crash in the dark and arriving to a vehicle in the ditch or wherever it came to final rest with nobody in it, and the dreadful scan from my flashlight beam that eventually illuminated a motionless person in a field or crushed under the vehicle having only done so because they left the otherwise safer location inside it because they failed to wear that belt.

There is the argument that people have also died from wearing a seatbelt. Sure. That may be true. Each crash is different and there are certain crashes where there is absolutely nothing that is going to save someone, and it was the day God chose to call them home. But those are extremely rare, and

data shows that people restrained in a vehicle by way of a properly worn seat belt are afforded a much higher chance of survival and less severity of injury.

This issue is also not about law enforcement and issuing citations to garner fines to fill the state's general fund. I know I gave more than my fair share of verbal warnings and educational speeches on the side of the road to people than I ever did to issue a measly twenty dollar fine. Traffic enforcement is first and foremost about traffic safety. It is second or thirdly about criminal interdiction. I can speak for those that I know in law enforcement still that they more so are seeking to stop a vehicle and driver to make contact, check for impairment or indicators of criminal activity than to spend 15-20 minutes on the side of a road just to issue citations.

It is greatly overdue that North Dakota update this traffic law and make mandatory the use of seatbelts by ALL occupants within a motor vehicle and make it a primary offense for law enforcement to make that enforcement contact when they observe that somebody is not properly restrained in a vehicle. Plain and simple.

We must work to reduce the exposure to the traumas of witnessing and working these scenes that are cast upon those of us in public safety. The mental toll is something that I can wholeheartedly tell you doesn't diminish from crash to crash or scene to scene. It is totally cumulative and builds off of the scene before it and before that.

For everyone, from the other motorist that witnesses a crash and instantaneous carnage before their own eyes, to the 911 dispatchers that have to answer that often frantic and chaotic caller that just witnessed or came upon that scene. To the peace officers, firefighters, and emergency medical teams that drop everything to get to that call, only to arrive and it be all in vain, and work that scene and then those that have to go and make that death notification to a family member or next of kin, this bill is a step in the right direction to reduce the number of this sequence of events and the negative impacts to so many individuals.

This is no longer, and in my opinion, has never been about personal freedoms. If this is about personal freedoms, then let's lift all the other traffic laws and just let natural selection take over. Take down all the traffic regulation signs and just let mayhem and chaos ensue.

In conclusion, I speak to you today and ask that this committee recommend a DO PASS for Senate Bill 2362. It is beyond time for this to happen in North Dakota. Please do so for those in our communities that just simply can't get there in their minds for whatever reason they need to have that seatbelt on. Help ensure that they are the vehicle pulling into the driveway when their family is awaiting their arrival and not a police vehicle with a law enforcement officer stepping out to deliver a message that activates heart wrenching agony and mourning.

I thank you for your time, your desire to serve the citizens of North Dakota, and I stand for any questions that you may have of me.

Thank you,

Travis F. Bateman

Watford City, North Dakota



AAA-The Auto Club Group
4950 13th Ave. S., Ste. 15
Fargo, ND 58103-7268

(701) 367-9257
eladoucer@acg.aaa.com

Feb. 2, 2023

Senator David A. Clemens
State Capitol
600 E. Boulevard Ave.
Bismarck, ND 58505

Chairman Clemens and Members of the Senate Transportation Committee,

On behalf of AAA – The Auto Club Group and our more than 70,000 members in North Dakota I'm writing to express support for SB 2362, which would allow primary enforcement of the state's seatbelt law.

As someone who's spoken to many groups on traffic safety-related topics, I frequently ask people if they'd buckle their seatbelt if they knew they'd be involved in a crash. I've never heard "no." It's widely accepted that seatbelts give vehicle occupants the best chance at survival in a crash. They also serve to lessen the severity of injuries. Tragically, at least 46 North Dakotans didn't get a second chance to buckle their belt last year.

No one plans to be in a car crash, but that doesn't stop them from happening. People make mistakes. Not buckling a seatbelt isn't a mistake. It's a choice that too often leads to tragedy. A tragedy that affects many people – family, friends, communities and taxpayers. Passage of SB 2362 would help increase seatbelt usage and, thereby, reduce the tragic loss of life on our roads.

Yes, vehicles are safer than ever, but that safety is largely dependent on the driver and passengers being properly buckled in. Without the seatbelt, all the safety engineering that goes into crumple zones, airbags, passenger compartments, glass and much more is deemed much less effective. The roughly 18 percent of North Dakotans who ignore this fact die at higher rates on North Dakota roads. The overwhelming majority are men.

Through education, enforcement and sound, evidence-based policy, we can increase seat belt use in North Dakota and reduce the unnecessary loss of life and the personal and economic toll traffic crashes have on everyone. Stemming the tide of crash fatalities and serious injuries starts with embracing a culture of safety. The Senate Transportation Committee can lead the way by embracing SB 2362.

Mr. Chairman, I appreciate the opportunity to express support for this important measure and urge a "Do Pass" recommendation by the committee.

Sincerely,

A handwritten signature in black ink that reads "Gene LaDoucer".

Gene LaDoucer
Public Affairs Director

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 70,000 members and works to represent the interests of members and the traveling public in the state legislature.

Please support SB 2362.#

#

My name is Becky Hardy and I live in Rolla. I am a retired Driver Ed teacher, and I was an EMT on our ambulance service for 20 years.#

We teach kids to wear their seat belts, but then don't follow up or set an example. Students are taught to not put the vehicle in motion until ALL occupants are buckled up. It's a single second action for the safety of everyone in the vehicle. We need our law to follow through.

I've seen plenty of motor vehicle crashes, but only once unbuckled someone that was dead. And in that case, the speedometer was stuck at 110. Speed kills, but seat belts save lives!

Please support safety and SB 2362.#

#

Thank you!#

Becky Hardy#

#



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

68th Legislative Assembly Testimony in Support of
Senate Bill No. 2362
Senate Transportation Committee
February 3, 2023

Chairman Clemens and members of the Senate Transportation Committee, my name is Theresa Liebsch and I have been a Vision Zero Coordinator through Burleigh and Morton County Sheriff's Offices since December of 2020. I am writing in support of Senate Bill 2362.

Since taking on this position, I have learned about the physical, emotional, and financial cost of unbelted motor vehicle fatalities in our state. I fully understand how valuable a primary seat belt law can be. We can all agree how devastating it is when someone dies in a car crash. However, what I didn't know was how much it cost our state. Did you know it costs our taxpayers over \$1.7 million every time someone dies in a car crash? Last year, in motor vehicle crashes with seat belts applicable, 67.6% of our fatalities chose not to buckle up on our North Dakota roads (preliminary data). That means last year, unbelted occupants cost our state approximately \$78.2 million. That amount alone would be worth passing this bill.

Minnesota passed a primary seat belt law in 2009. In 2008, 152 unbelted motorists lost their lives on Minnesota roads. In 2019, that number has decreased to 72. That's a 52.6% drop. That's also \$136 million saved.

I would much rather have someone fined \$20 for not wearing their seat belt than have our North Dakota taxpayer's hard-earned dollars pay the \$1.7 million out of their own pocket. Freedom always comes with a cost. In my opinion, one unbelted life is too much. DO PASS SB 2362.

Theresa Liebsch – Vision Zero Coordinator SW Region
Burleigh County Sheriff's Department

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Testimony to the
Senate Transportation Committee
 Prepared January 30, 2023
 by Ryan Gellner, North Dakota Association of Counties

Regarding: SB 2362

My Name is Ryan Gellner, representing the North Dakota Association of Counties.

The North Dakota Association of Counties **Support SB 2362**

In North Dakota there are over eleven-thousand miles of county roads that counties are responsible for. Counties throughout North Dakota have taken the Vision Zero initiative seriously and are supportive of updating North Dakota's seatbelt law to primary enforcement.

North Dakota is one of the remaining 15 states that lack primary enforcement authority for the use of seatbelts in motor vehicles. A primary seatbelt law will have an immediate and significant impact on reducing motor vehicle crash deaths and serious injuries in North Dakota.

Updating to a primary seatbelt law will increase seatbelt use among North Dakotans. Research from the National Highway Traffic Safety Administration (NHTSA) estimates that North Dakota will experience a 10-12 percent increase in observed seatbelt use and switching from a secondary law to a primary law will **save** an average of **at least 5 lives every year** in our state.

Unbelted motor vehicle occupants are a danger to others. In a crash, unbuckled passengers can become a projectile and increase the risk of hurting or killing others in the vehicle by 40 percent (NHTSA). Seatbelts are the number one contributing factor in motor vehicle crash deaths in North Dakota. More people die in motor vehicle crashes in North Dakota from being unbelted than any other common contributing crash factor.

Driving on public roads is a privilege, and not a right... therefore it can and should be regulated. Requiring seatbelt use is no more an infringement on your rights than requiring liability insurance, or being required to turn on your headlights, or stop at stop signs. Upgrading North Dakotas seatbelt law from secondary enforcement to primary enforcement won't create a new law. It will simply allow law enforcement officers to enforce a seatbelt law just like they do any other traffic law.

You have the power. The North Dakota Association of Counties is asking you to keep us safe on our roadways. More people die in motor vehicle crashes in our state from being unbelted than any other contributing crash factor including drunk driving, distracted driving, or speeding (NDDOT).

Thank you, Chairman Clemens and all the Transportation Committee members. Your work on protecting every North Dakota citizen riding in an automobile is greatly appreciated.

Ryan Gellner

NDACo

"If North Dakota had a primary seat belt law, more people would wear seat belts and there wouldn't be so many families living the nightmare of having to bury their loved ones."

Quote from Corey Nelson, brother of Kyle Nelson. Kyle was killed in a single-vehicle rollover in rural Geneseo, ND on November 13, 2014. He was not wearing a seatbelt, was ejected from, and pinned under the vehicle.

Good morning, Chairman Clemens and members of the Senate Transportation Committee. I am Dawn Mayer, and I serve as the Child Passenger Safety Program Director in the Division of Public Health of the North Dakota Department of Health and Human Services (Department). I am here to provide testimony in support of Senate Bill 2362. As part of my position, I coordinate child passenger safety trainings statewide for professionals and teach occupant protection. Occupant protection refers to safety features designed to protect motor vehicle occupants in the event of a crash.

The use of seat belts is a critical component of occupant protection, reducing death and serious injuries due to crashes. In addition to the impact on human life, there is also an economic cost for North Dakotans.

- In 2018, the total cost of traffic deaths in North Dakota was \$152 millionⁱ.
- North Dakota hospitals incurred \$206 million over a three-year period (2019-2021)ⁱⁱ in costs related to unbelted motor vehicle crash injuries. This represents only a portion of total hospital costs due to reporting from only 16 of North Dakota's 42 hospitals.
- Unbelted crash victims have medical bills that are 50% higher than belted crash victimsⁱⁱⁱ.

A primary seat belt law is an evidence-based strategy to help move North Dakota toward zero motor vehicle crash deaths. One death on North Dakota roads due to not wearing a seat belt is one too many. To prevent death from motor vehicle crashes, everybody needs to wear a seat belt - every trip, every time.

Thank you for the opportunity to appear before you today. I would be happy to respond to any questions you may have.

ⁱ The Centers for Disease Control and Prevention (CDC)

ⁱⁱ NDHHS Data

ⁱⁱⁱ National Highway Traffic Safety Administration

February 2, 2023

North Dakota Senate Transportation Committee &
Senate Members

Re: Support of Senate Bill 2362

My name is Amy Covington and I am from Grand Forks. I have worked in healthcare for many years and am also a Certified Child Passenger Safety Technician and Instructor. I work with parents and grandparents often, showing them how to properly use their car or booster seats. I have presented in schools, teaching students about the importance of buckling up in their vehicles. I am often asked by those students, and sometimes adults, why it is not a law for adults to also be required to buckle up.

While I understand that wearing a seatbelt for front seat occupants IS the law in North Dakota, it is currently a secondary enforcement. This causes confusion for people who often think that "it isn't a law at all". Updating our North Dakota seatbelt law to a primary one would help eliminate that confusion and place emphasis on the importance of buckling up. I also know that having a primary law has led to a 10-12% increase in seat belt usage in other states that have passed a bill such as this. With our North Dakota seat belt usage very low (80-84%), we need effective policy in place to see that increase to closer to the national average of 90-94%. This bill would do just that and I hope you will support it.

Adding that back seat passengers are also required to wear their seatbelt (as per the proposed legislation) is also a critical update that is needed. Those occupants are just as much at risk as others in the vehicle and often times if unbuckled, can crash into and kill or injury other occupants. Given that frontal crashes are the most common, those in the back seat are inclined to end up being projected into the front seat.

Our law in North Dakota is in dire need of updating and I hope you will support Senate Bill 2362.

Amy Covington, CCPST-I

Grand Forks, ND

701.527.3260

Senate Bill 2362 - Primary Seatbelt
Senate Transportation Committee
Feb 3, 2023
Written by: Gus Jensen, Flasher High School

Chairman Clemens and Senate Transportation Committee,

My name is Gus Jensen and I am a Junior at Flasher High School. I am also a Racecar driver. I abide by both the rules on public roads and the rules on the tracks that I go to.

As a student in High School and going through the process of getting my permit and my driver's license, I've learned a lot about the laws that we have here in the state of North Dakota.

I understand that there is a different set of laws when it comes to seatbelts, depending on your age. As a 17 year old I am required to buckle up whether I am riding in the front seat or back seat, and can be pulled over for not wearing a seatbelt. But, as soon as I am 18 - the law changes. My question is why?

In my age group there were over 10-thousand teenagers involved in crashes from 2017-2021. Only 3 percent were not wearing seatbelts. I know teens wear seatbelts because it keeps them safe, and because there is a law. Why are adults different?

I believe that it would be best to combine these laws and have everyone in the car to be buckled up. It will be safer for every driver, passenger, and even pedestrians. There has been research that shows that if both drivers 17 and under, and 18 and older wear their seatbelts and everyone in the vehicle is buckled as well, it would save lives. The truth is, some people need a law to make that happen.

This is not meant for law enforcement to be able to pull more people over, but for the safety of you and others on the road. I always remind myself and others to buckle up because I know how important seatbelts are.

During the summer I am especially mindful of wearing my seatbelt. This is because race season is in full swing and wearing all of my safety gear is very important. In my race car wearing safety gear such as my helmet, 5-point harness, arm-restraints, and fire resistant suit are mandatory and I could get into a lot of trouble if I was caught not wearing it.

I have been in 2 roll-over crashes in my racecar and my 5-point harness and arm-restraints saved me from being seriously injured. The only damage to me was a few bruises and the wind knocked out of me.

I know that my fellow competitors and my friends and family were very appreciative of the seatbelt I was wearing. There are many crashes in racing and nobody really gets hurt in crashes because they know that wearing seatbelts are key to being safe when out on the track. Seatbelts should be the key to being safe when on the road as well. Please make everyone in the vehicle buckle up.

Please support Senate Bill 2362.

-Gus Jensen
Flasher High School

Testimony - Senate Bill 2362

Senate Transportation Committee

Friday – February 3, 2023

Safe Kids Grand Forks / Carma Hanson

Mr. Chairman, members of the Committee, my name is Carma Hanson. I am a registered nurse and the Coordinator of Safe Kids Grand Forks, an injury prevention coalition that covers northeast North Dakota and northwest Minnesota. I am also a certified child passenger safety technician (car seat expert) and have spent much of my career implementing effective strategies that prevent unintentional injuries and deaths, particularly in children.

Over the years, I have been a part of the statewide group of experts that gather routinely to create the North Dakota Vision Zero Plan. This plan is required by the Federal Highway Administration (FHWA) and is spearheaded by the North Dakota Department of Transportation. It includes members from several state agencies who are charged with making our North Dakota roadways safer, decreasing traffic injuries and fatalities, and reducing costs to taxpayers. When our team gathers, we create a plan hoping to mirror the evidence-based outcomes proven successful in other states – **things that we know work.**

I appreciate that North Dakota operates with a part time citizen legislature and that members come from all walks of life with different professions and trades. During a legislative session, you have hundreds of bills that come before you, covering a myriad of topics, almost too many to comprehend. While I give credit for the vast knowledge that you as legislators have and gain during the session, I also recognize that you are not experts in most areas that you are asked to set policy and budgets for. Today, you have assembled in this room, the foremost experts in our state on injury prevention, roadway safety and traffic issues. As those experts writing the above noted plans and testifying today, we come before you to kindly ask for your help and partnership in our work. The policy / law that we are asking to change is not one that we “think might work” or “let’s give it a try and see what happens” type. It is proven effective and has shown to increase seatbelt usage in other states that have enacted a primary law. On average, those states have seen an increase in seat belt usage of 10-12%, even without law enforcement writing tickets. That is what I call a great success rate.

I would like to share more about the work of injury prevention. In our field, we know that effective injury prevention strategies focus on what we call the “E’s of injury prevention, including engineering, education, EMS and enactment/enforcement. Let me break those down as it relates to motor vehicle crashes, injuries and fatalities:

- **Engineering:** The engineering component to injury prevention can take on several aspects including changing our roadways to minimize traffic crashes (some of these things might include improved lighting, rumble strips, chevron markings at curves, turn lanes off of major roadways and the list goes on).

This also includes putting features into vehicles that make them safer. I would challenge you that over the years, features have been added to your vehicles that provide personal comfort or conveniences such as heated or airconditioned seats, blue tooth technology, auto starts, lumbar adjust, dual temp controls, DVD screens for watching movies in our rear headrests and the list goes on.

Just as technology has been added for comfort and convenience, it has also been added for safety. Here are a few examples of things that are becoming standard on vehicles to assist with safety: auto adjusting headlights, back-up cameras, frontal collision avoidance systems, lane departure warning systems and airbags in various styles that include frontal, curtain, side impact airbags, knee, and even inflatable seatbelts.

There are many new and exciting safety features on the horizon. I recently took part in a national presentation that spoke to the autonomy levels in vehicles, with a scale being Level 0 (no driving automation) – Level 5 or fully automated, where the person in the driver's seat is essentially a full-on passenger in a driverless car. While a vehicle such as this is coming to our society, we currently are operating most vehicles somewhere between 0 and 3. The features that are being added to vehicles include things such as automatic emergency braking, forward collision warning systems, blind spot warning systems, rear cross traffic assist, lane departure warning, lane keeping assist and adaptive cruise control to name a few.

These technologies are exciting for those in the injury prevention arena as they will prevent crashes and ultimately injuries and deaths. However, for these types of systems to be effective, it makes the assumption that the driver and other occupants will stay within the vehicle that has been safely designed to protect them. If the seatbelts are not used, these safety features are minimized or eliminated completely.

Whether we are talking about vehicle engineering or roadway engineering, folks in this line of work in our country and our state have been doing their job and keeping up with the needs of injury prevention from an engineering perspective. **They are doing their job to make a difference in traffic injuries and fatalities!!!**

- **Education:** While the injury prevention aspect of education is fairly straightforward, I want to highlight how people in our state working on this aspect have been carrying out their role. Marketing personnel and other experts have conducted classes, created public service announcements and billboard ads, participated in radio and television interviews, hosted educational booths at county fairs, school events and community events. We have printed stories in newspapers and newsletters and have crafted social media messages aimed at providing education. We have traveled across the state, hit the airwaves, taught large group classes or 1:1 education to get the messaging out about car seats and seat belts saving lives. **We are doing our part to make a difference in our state's traffic injuries and fatalities!!**
- **Emergency Medical Services (EMS):** Today you will hear from first responders who will talk about their role in preventing deaths once a crash has occurred. They train with their volunteer ambulance squads, they hold fundraisers to purchase the equipment they need for their rigs, they practice with mock crashes so they get it right when their pager goes off and they have to respond.

Testimony provided in past years, we heard from folks in some of our rural ambulance squads that are made up of generous and passionate volunteers who run their operations. These folks spoke of how they have lost team members or others have decided not to pursue volunteering, because they have witnessed horrific situations that could have been avoided. In a state with a workforce shortage, we cannot stand for teams losing members for reasons such as this, especially in rural areas where getting people to a trauma center is often the difference between life and death. As you will see in our state's crash data involving fatalities and serious injuries, 77% of crashes are occurring on our rural roadways, oftentimes miles away from an ambulance service and clearly a distance from a trauma center. The numbers from 2017 –

2021 can be found in the graph below. The numbers in orange represent an upward trend in incidents and those in green show where progress is being made.

FATALITY AND SERIOUS INJURY PERCENTAGE BY EMPHASIS AREA (2017 – 2021)

NORTH DAKOTA Fatalities + Serious Injuries 2017-2021		Total	Rural	Urban	Alcohol/Drug	Distracted/Asleep/Fatigued	Heavy Vehicles	Intersections	Lane Departure (Single Veh)	Motorcycle	Oil Impact Counties	Older Drivers	Pedestrians/Bicyclists	Speeding/Aggressive Driving	Train	Unbelted Vehicle Occupants	Winter Weather	Work Zone	Young Drivers	
Alcohol/Drug	760	73%	27%																	
Distracted/Asleep/Fatigued	55	89%	11%	11%	1%	6%	19%	63%	12%	29%	8%	6%	50%	0%	60%	7%	2%	14%		
Heavy Vehicles	333	93%	7%	13%	2%		36%	33%	4%	47%	19%	1%	41%	0%	49%	16%	4%	7%		
Intersections	798	52%	48%	18%	2%	15%		21%	13%	26%	25%	9%	32%	0%	41%	10%	2%	22%		
Lane Departure (Single Veh)	1235	82%	18%	39%	3%	9%	13%		14%	34%	9%	1%	44%	0%	58%	11%	2%	17%		
Motorcycle	344	53%	47%	26%	1%	4%	30%	45%		33%	10%	0%	38%	0%	69%	1%	1%	9%		
Oil Impact Counties	770	88%	12%	28%	3%	20%	27%	54%	15%		11%	4%	39%	0%	52%	13%	1%	16%		
Older Drivers	412	66%	34%	15%	3%	16%	48%	27%	8%	20%		11%	28%	0%	39%	10%	3%	8%		
Pedestrians/Bicyclists	173	28%	72%	27%	0%	2%	41%	8%	1%	16%	27%		21%	0%	9%	9%	2%	18%		
Speeding/Aggressive Driving	986	69%	31%	38%	2%	14%	26%	55%	13%	30%	12%	4%		0%	54%	18%	2%	20%		
Train	11	100%	0%	18%	0%	9%	0%	0%	0%	9%	9%	0%	18%	0%	55%	27%	0%	18%		
Unbelted Vehicle Occupants	1220	77%	23%	37%	3%	13%	27%	59%	19%	33%	13%	1%	44%	0%	9%	3%	18%			
Winter Weather	319	74%	26%	17%	1%	17%	24%	44%	1%	31%	13%	5%	55%	1%	35%	0%	18%			
Work Zone	58	79%	21%	28%	2%	21%	24%	50%	9%	19%	21%	5%	28%	0%	53%	0%		19%		
Young Drivers	484	71%	29%	22%	3%	5%	37%	43%	6%	26%	7%	7%	41%	0%	46%	12%	2%			

Our state’s EMS and first responders are some of the best that there is. They are working hard, giving up their evenings and weekends to train and take call so when their phone rings or their pagers go off, they are ready to render aid to their neighbors, friends, community members and sometimes family members. **They are most certainly doing their part to make a difference in our traffic injuries and fatalities!!**

- **Enactment/Enforcement:** This is the E of injury prevention where we come before you today to ask for your help. Before I expand on this area as it relates to traffic safety, I want to share a situation I know you are all aware of.

On January 2, 2023, many Americans were watching Monday Night Football when the Bengals and Bills were part way into the first quarter of their game. Buffalo Bills defensive back Damar Hamlin made a tackle on Bengal’s wide receiver Tee Higgins. Following the tackle, Damar stood up, took a few steps backwards and fell unresponsive to the ground. Suddenly, all eyes in the stadium and on national television watched a horrific and amazing scene unfold. Damar Hamlin was in cardiac arrest and first responders came to the field and quickly kicked into action. Supplies and equipment were readily available and those involved in his care knew what steps needed to be taken. The hosting team had a myriad of physician specialists on standby and they too, were called into action. As Damar was placed into an on-scene ambulance, that vehicle left the stadium and was escorted by law enforcement to the nearest trauma center where Damar continued to receive care and is alive today because of the actions occurring on the field, enroute to the hospital and at the trauma center.

The event that occurred to Damar Hamlin, was called commotio cordis, a lethal disruption of heart rhythm that in 9 out of 10 situations, results in death. Why did Damar survive that incident that day? Since this occurrence, there have been copious stories done on that and much of his survival can be attributed to some of the following. . . . not ONE of these E’s of injury prevention, but ALL of them being in place and doing their part to increase the likelihood of survival.

- The hosting team having the proper emergency equipment on standby as per the NFL policy requirements and the medical personnel knowing how to use it.

- Trained personnel including team trainers and several medical specialists in the stadium and ready to respond as per a policy requirement of the NFL.
- An ambulance being on standby and equipped with the proper technology, as per a policy requirement of the NFL.
- The game being played in a community that has a trauma center within the city, also a requirement of the NFL.
- Emergency responders, including the ambulance team and the escorting law enforcement, having practiced their evacuation drill as per a policy of the NFL.

As you can see, all aspects of the E's of injury prevention came into play that day. Had only one "E" carried out their part, the outcome could have been very different, but when executed together, we saw a situation where 9 out of 10 people die from, turn into a heartwarming story of survival.

Let's go back to our traffic safety analogy about the E's of injury prevention and address the fourth E, enactment/enforcement.

In North Dakota, it is a primary enforcement law that children under age 18 must wear their seatbelt or use a proper car seat. Our officers are not out writing copious amounts of child traffic citations and yet our car seat and seat belt usage in those under 18 is significantly higher than for adults. In reviewing state data of crashes for those ages 0-13, only 1.4% of those in that age group involved in a crash were unbuckled. For youth ages 14-17, also in the primary enforcement age, the unbelted rate in crashes was only 3.3%. These numbers are a far cry from the adult unbelted rate in crashes of 51%. **Having a primary law for those under age 18 works, even without enforcement, and it will work for adults as well.**

Currently, it is a law that front seat occupants are required to wear a seat belt in our state and yet we have said by our secondary enforcement law "that it really isn't all that important". But, it is!! Survivability increases and a reduction in severe injuries is more common if occupants are buckled up and gain the protective features being designed into automobiles.

As a team of experts in this field, we have come before you in past years asking, begging, pleading for your help to pass this legislation that we KNOW will make an impact. In fact, in 2021, there were over 30 experts, individuals and organizations representing over 200 stakeholder groups in support of this bill that provided written and oral testimony. That bill (the same one we are presenting here today) passed in the Senate and lost by only 4 votes in the House. During testimony at the committee hearings, there were only 2 or 3 that spoke or provided written testimony against it.

From polls taken in our state in each of the past 5 years, between 57-62% of North Dakotans support a primary belt law. This simply says that the majority of people in our state want you to vote in support of this bill. That is why we are back; we know that this is effective, we know that it is a critical E that is lacking in our work, and we know that as folks have taken the time to learn about this bill, it becomes more personal to them - knowing their vote can impact people in their community, their district, their state and maybe even their family.

Vision Zero is not a campaign slogan; it is a firm belief and a goal that we can get to ZERO if all the E's work in conjunction with each other. With education and the engineering changes coming to vehicles and our roadways, we can drive our numbers down, but we need your help. As someone involved in traffic safety, I am on the email list that receives an update each time there is a fatality in our state. While I am sure that Maria Gokim, the ND Traffic Records Research Analyst, is a delightful woman, I cringe each time I get an email from her. That email represents another life (or sometimes more than one life) lost on our roadways. To some, they may look at those as data points or numbers to simply analyze for a required report. To those in this industry and to each of you, I hope you will

look at those reports that contain a description of the vehicle, the roadway conditions, the number of people involved, whether seat belts were used or not, and the outcome of the crash as loved ones, as people that matter, as neighbors, co-workers, church members at your congregation. . . . as lives that matter.

To those that still claim that wearing a seat belt should be a personal choice and government shouldn't have the right to tell me what to do, I would say that we don't have that philosophy in many other areas of policy where the state provides regulations.

- We do this with our abortion laws because those lives matter.
- We do it when we tell bike riders that if they are traveling at night, they are required to have a light or headlamp on their bicycle. . . . because their lives matter.
- We tell bar owners they need to shut down by 2 a.m. each day. . . . because those lives matter.
- We do this when we tell hunters they are required to wear blaze orange while out hunting. . . . because their lives matter.

As lawmakers, your job is to create good policy and you have done that for the unborn, kids, youth and for adults in other areas. We are asking you to do it for motor vehicle crashes as well – the number one cause of death in our state for those under age 35.

Those that oppose seat belt use often say that “it only affects me if I decide to not wear a belt”. That answer is selfish and untrue. As tax paying citizens, we all bear the cost of those decisions in tax money. I also urge you to listen to our first responders and law enforcement officers who speak of the horrific impact it has on them to respond to the scene of a crash with people injured and killed. I will allow those wearing the uniform to speak to that personally, but I challenge you that “it only affects me” could not be further from the truth if you listen to their real-life stories.

Our team of experts can't do this alone. We need the fourth E of our injury prevention strategies – enactment of policy/enforcement, to do their part to make a difference. I would dare say that there has not been strong policy in this arena and we are hoping that we can count on your support to change that.

From a fiscal standpoint, this law will save money for our state and it WILL COST NOTHING to implement. There are few laws that can make that claim. You will hear in our next testimony about the costs that we, as tax paying citizens, are burdened with because of people's decision to not buckle up. Those who choose to not buckle up are costing people like you and me money. The cost of a \$20 ticket should an unbelted violator be cited, is a small price to pay for the lives and money saved by this bill.

If this legislation were about writing tickets, you would have seen the fine increased in the bill. It is not!! It is about driving seatbelt usage up by the 10-12% points that we know occurs when state's pass a primary belt law. There are 34 states in the US that have a primary belt law and analysis of their seat belt usage proves that this is an effective strategy.

When our neighbor state of Minnesota passed this law in 2009, they saw an immediate and positive impact. Over a 4-year period following the passage of their primary law, their seat belt usage went from 86% to 95%. Their unbelted fatal crashes dropped from 46% to 30% and they saved 132 lives on their roadways and saw their severe injury rate drop by 434 cases. These results ultimately saved their state \$67 million in medical costs during that time period. Living in Grand Forks and with that being a border community to Minnesota, I often hear people say, “I buckle up when I cross the bridge into Minnesota” or “I set my cruise control when I get into that state because I don't want to get caught”. Legislation works at changing our culture and our behaviors.

As noted, our seatbelt usage in North Dakota ranges between 81-84%, placing our ranking in the country in the lower tier of seat belt usage with a national average ranging from 92-94%. Our rate of unbelted fatalities in North Dakota is at 51%. In 2022, we had 97 roadway fatalities and if our belt usage increase by 10-12% with this law, there could be additional lives saved each year. That could be your spouse, co-worker, neighbor, farm worker or family member. **Those lives matter.**

The experts in this room know what it takes to get to ZERO. We are doing our part in three of the E's of injury prevention and we are asking for your support in the policy arena. As many as 61% of North Dakotas favor a primary belt law and we are asking for your support of SB 2362 to provide that provision in our state law.

I thank you for allowing me to testify today in support of SB 2362 and I would entertain any questions you may have.

Contact information:

Carma Hanson, MS, RN
Coordinator – Safe Kids Grand Forks
701.739.1591
chanson@altru.org



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: February 2, 2023
RE: Testimony IN FAVOR of SB 2362

North Dakota Senate Transportation Committee,

In the last 9 months, I have spent almost 2000 hours educating literally thousands of North Dakotans. The other three Vision Zero Coordinators throughout the state have done the same. We often work nights, weekends, and over 40 hours each week in our salaried positions, not just because it is our job, but because it is our passion to provide traffic safety education throughout our regions. We are not alone in this outreach; Our EMS, law enforcement, public health, and many others are also educating on the importance of seat belts. However, we need **YOUR** help. Education is just one piece of the puzzle when it comes to saving lives from motor vehicle fatalities. By simply changing the current law from secondary to primary enforcement, we will have an immediate and significant impact on reducing motor vehicle crash deaths and serious injuries on our roads.

Throughout the state, we present to everyone from North Dakota's kindergarteners to senior citizens. Whether you are 5 or 95 years old, the one piece of education that is universal to every age is to click that seat belt and buckle up. Crashes do not discriminate. Not wearing a seat belt in a motor vehicle can be lethal to anyone.

The other three Vision Zero Coordinators and myself hear it all the time – "I was in a crash, and the only reason I am here today is because I was buckled up." and "I lost someone I know because they chose not to wear to seat belt." or "I responded to a crash and had to walk through the median searching for an ejected body."

Based upon community efforts, I know North Dakotans want this law updated. In the past 7 days, I have gone from educating Rural Fire and EMS in Richland County to having a booth at a University of Jamestown Men's Basketball Game to meeting with students and their parents from LaMoure High School. The other three Vision Zero Coordinators and I are the ones out in our rural and urban communities in every county in our state, and seat belts are always a topic that come up.

Again, I cannot stress it enough – we **NEED** your help. Education is a key component, but without policy change, we can only do so much.

I sincerely appreciate your consideration of a "Do Pass" committee recommendation for **SB 2362**. Please let me know if you have any questions regarding my testimony or if you are interested in discussing the importance of a primary seat belt law further. Thank you for your service to the citizens of North Dakota.

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



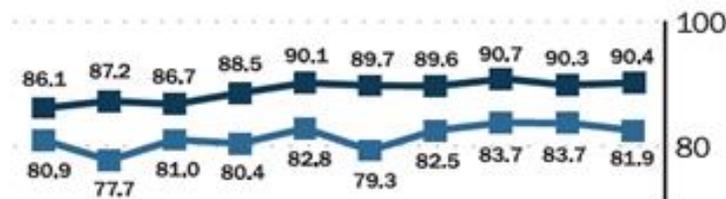
**House Human Services Committee
SB 2362
February 3, 2023**

Chairman Clemens and Committee Members, I am Courtney Koebele, the Executive Director of the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA supports SB 2362. A Primary Belt Law (PBL) is an evidence-based strategy to move North Dakota toward zero motor vehicle crash deaths. Unfortunately, North Dakota’s seat belt use is below the national average. According to ND Department of Transportation, more people die in motor vehicle crashes in North Dakota from being unbelted than other common contributing crash factors such as drunk driving, distracted driving, or speeding.

North Dakota’s observed seat belt use rate has been consistently lower than the national seat belt use rate over the past 10 years (2012-2021).^{3, 4}

**North Dakota vs. United States
Seat Belt Use Rate, 2012-2021^{3, 4}**



This bill will help North Dakotans. Research shows that states that transitioned to a PBL have experienced up to a 10-12 percent increase in their observed seat belt use. (NHTSA)

From a medical standpoint, unbelted crash victims have expensive medical bills:

- Unbelted crash victims have medical bills 50% higher than belted crash victims. (Source: National Highway Traffic Safety Administration)
- Data from 16 of 42 North Dakota hospitals shows that costs related to unbelted motor vehicle crash injuries were more than \$206.6 million over a three-year period (2019-2021).

Costs	2019	2020	2021
Inpatient Costs	\$43,895,360.53	\$47,400,848.34	\$51,258,474.73
Outpatient Costs	\$20,617,207.33	\$19,833,256.06	\$23,594,689.69
Total Costs	\$64,512,567.86	\$67,234,104.40	\$74,853,164.42

This bill does not infringe on an individual’s liberty any more than other traffic laws. The “personal choice” not to use a seat belt comes at a cost to all North Dakota taxpayers. The public pays the cost for emergency response, medical assistance, increased insurance premiums and unemployment compensation.

This bill will save lives. We urge a DO PASS on SB 2362.

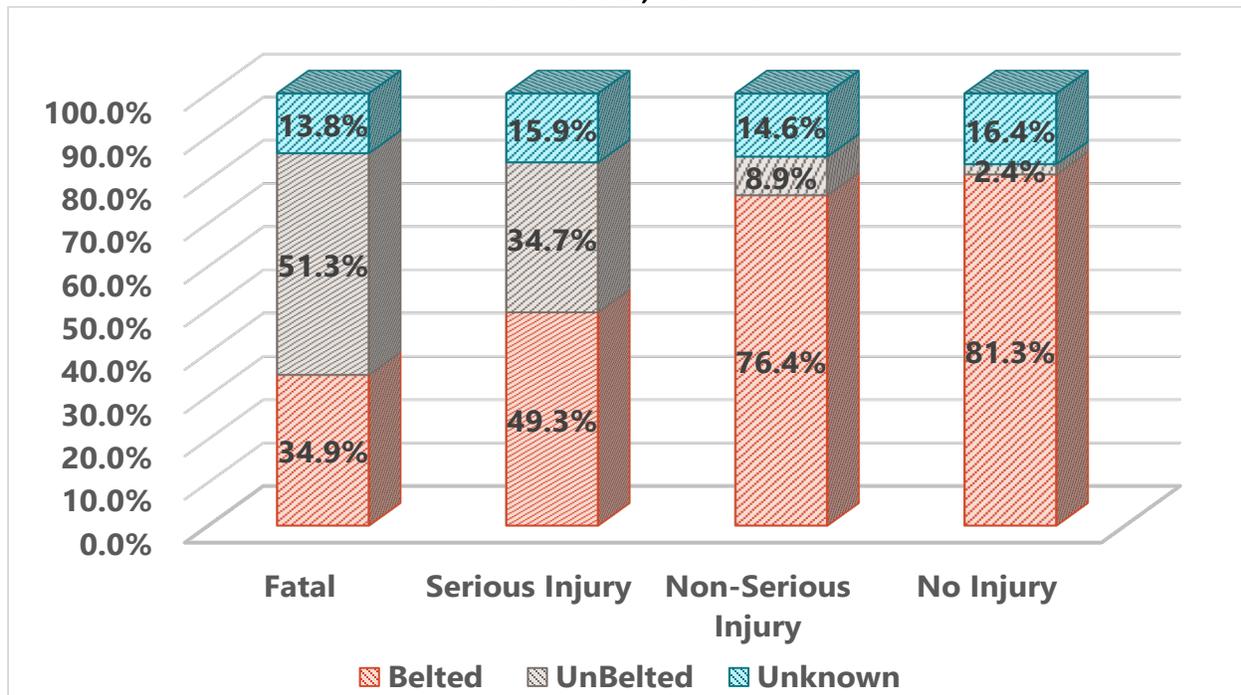
Thank you for the opportunity to testify today.

Good morning, Chairman Clemens and members of the committee. I'm Ron Henke, Director of the North Dakota Department of Transportation (NDDOT). I'm here in support of SB 2362.

More people die in unbelted crashes in North Dakota than other contributing crash factors including impaired driving, distracted driving, or speeding. So far in 2023, there have been seven crash fatalities. Five of six of these fatalities, where seat belts applied, were unbelted.

Crash data collected and analyzed by the NDDOT shows that over the past five years (2017-2021), 522 people died in motor vehicle crashes. Of those killed (where seat belts apply - excluding motorcyclists, bicyclists, and pedestrians), about 51% were not wearing a seat belt. This same data demonstrates in the Figure 1 below the direct correlation between seat belt use and injury severity. Unbelted vehicle occupants account for the largest percent of fatalities and serious injuries while belted occupants most commonly receive non-serious or no injuries.

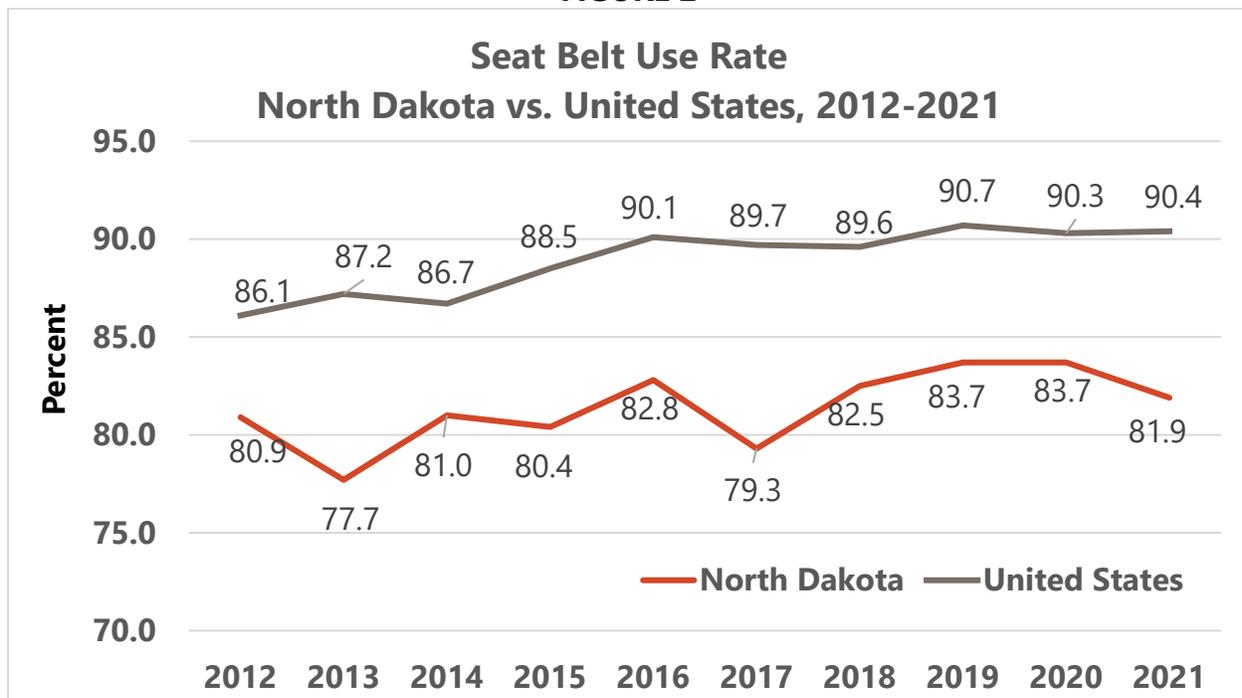
FIGURE 1
Percent of Restraint Use by Injury Classification
North Dakota, 2017-2021



An annual observational seat belt study conducted by North Dakota State University (NDSU) Upper Great Plains Transportation Institute (UGPTI) on behalf of the NDDOT shows North Dakota's seat belt use rate in 2021 was 81.9% and dropped to 80.6% in 2022. This means that about 18-19%, or about 140,000 to 150,000 North Dakotans, are unbelted and extremely vulnerable to the consequences of a crash. Those who choose not to wear a seat belt contribute to more than half of North Dakota crash fatalities annually.

Also, North Dakota's observed seat belt use rate has been consistently lower than the national seat belt use rate over the past 10 years (Figure 2). The national seat belt use rate in 2021 was 90.4% while North Dakota's use rate that same years was 81.9%.

FIGURE 2



A primary seat belt law (PBL) is among the evidence-based strategies identified in the North Dakota *Vision Zero* Plan as a priority strategy for implementation because it will have immediate and significant impact to reduce crash fatalities and serious injuries in North Dakota. Research shows that states that transitioned to a PBL have experienced a 10-12% increase in their observed seat belt use. (Source: *National Highway Traffic Safety Administration*)

The citizens of North Dakota largely support a PBL. An annual study conducted by NDSU UGPTI on behalf of the NDDOT shows that 6 of 10 North Dakota citizens support a PBL. Fifty-nine percent of respondents to this survey favored a PBL in 2022. (Figure 3)

FIGURE 3

Year	Percent in Favor of a PBL in North Dakota (Strongly Favored + Somewhat Favored)
2018	62%
2019	58%
2020	61%
2021	57%
2022	59%

The work we do in the NDDOT allows us to talk to many people about seat belt use. We know that seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. But all drivers and passengers must wear them for them to be effective.

This concludes my testimony, and I am happy to respond to any questions you may have. Thank you.

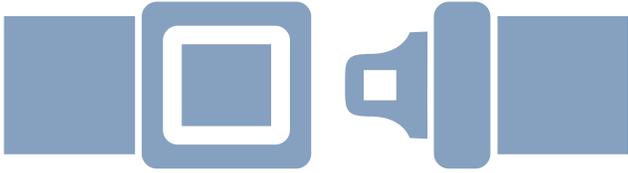


Seat Belt Use in North Dakota:

The Problem, The Cost and A Solution to Unbelted Motor Vehicle Crashes



Prepared by North Dakota Department
of Transportation and Vision Zero Partners



The Problem of Unbelted Motor Vehicle Crashes in North Dakota

The number one contributing factor in motor vehicle deaths is not wearing a seat belt.

NEARLY
1/2 Motor Vehicle Fatalities were **UNBELTED** (ND 2021)

Seat belts save lives.

Seat belts are the single most effective safety device to prevent death and injury in a motor vehicle crash. Seat belts:¹

- Prevent collision with other occupants of the vehicle
- Keep people in the vehicle
- Spread the force of impact over a large area and the strongest part of the body
- Allow a person's body to slow down gradually, lessening the impact on internal organs
- Prevent impact with the interior of the vehicle
- Prevent trauma to the brain and spinal cord caused by sudden change in motion

Yet, many North Dakotans choose not to use their seat belts.

According to a statewide survey of observed seat belt use, most motorists in North Dakota wear their seat belts. An annual survey of observed seat belt use in North Dakota in 2021 shows that slightly more than 8 out of every 10 people wear a seat belt (81.9%). But it is those who do not wear seat belts who are much more likely to lose their life in a crash. Approximately 18% – about 140,000 people – are still not buckling up.²

Key statistics for unbelted motor vehicle fatalities.³

In 2021, there were more than 9,500 vehicle crashes in North Dakota resulting in fatalities, injuries and property damage.

One-year snapshot (2021)

NEARLY EVERY
10 DAYS
one unbelted vehicle occupant died (ND 2021)

NEARLY EVERY
15 DAYS
one unbelted vehicle occupant was ejected (ND 2021)

- 46% of the 101 motor vehicle fatalities in North Dakota were not wearing their seat belt (excludes those where seat belts do not apply including pedestrians, bicycles, motorcycles, and off-highway vehicles).
- 68% of unbelted fatalities were partially or totally ejected.
- 69% of single vehicle rollover fatalities were not wearing their seat belt.
- 89% of those unbelted rollover fatalities were either partially or totally ejected.

Five-year snapshot (2017-2021)

- In North Dakota over the past 5 years, more than half (51%) of the people killed in a motor vehicle crash, where seat belts applied, were unbelted/not restrained at the time of the crash.
- 79% of the unbelted fatalities were males.

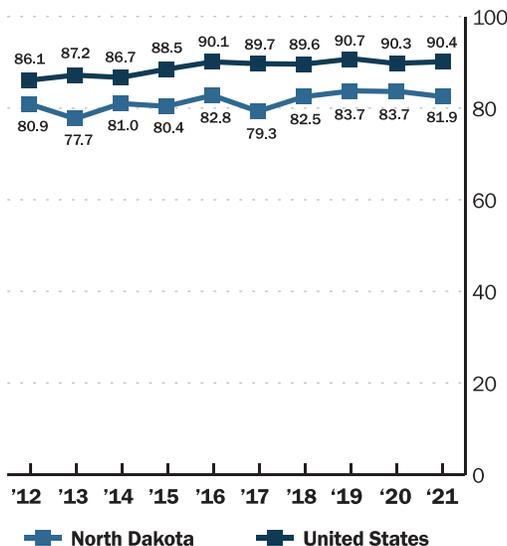
North Dakota Unbelted Motor Vehicle Fatalities, 2017-2021

Year	Fatalities*	No Seat Belt Used	Percent Unbelted
2017	91	50	55%
2018	77	37	48%
2019	74	34	46%
2020	68	41	60%
2021	80	37	46%

*Includes fatalities where seat belts were available within the vehicle. Excludes fatalities where seat belts do not apply (pedestrians, bicycles, motorcycles, off-highway vehicles, persons riding on the exterior of motor vehicles, bus passengers, and farm/construction equipment).

North Dakota's observed seat belt use rate has been consistently lower than the national seat belt use rate over the past 10 years (2012-2021).^{3, 4}

North Dakota vs. United States Seat Belt Use Rate, 2012-2021^{3, 4}



The Cost

Seat belt use is not just a personal choice.

While some individuals consider seat belt use to be a personal choice, it is a choice that affects nearly everyone — including North Dakota taxpayers.

Unbelted motor vehicle crashes have a high cost to North Dakota.

Motor vehicle crash deaths and injuries resonate beyond the victim and their families. There is also cost to each North Dakota taxpayer in terms of emergency response, medical assistance, increased insurance premiums, unemployment compensation, and more.

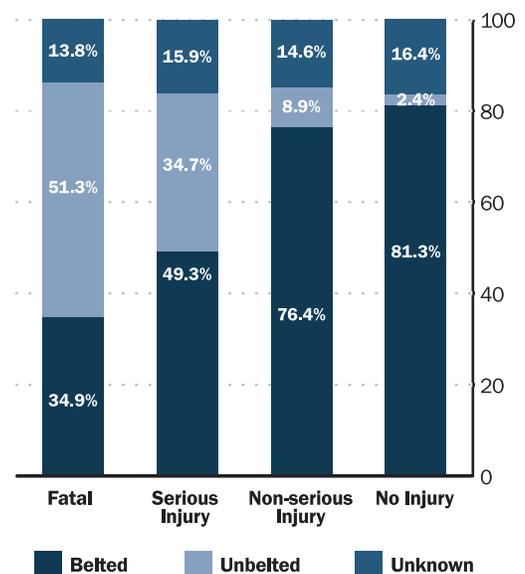
Data from 16 of 42 North Dakota hospitals shows that costs related to unbelted motor vehicle crash injuries were more than \$206.6 million over a three-year period (2019-2021). This represents only a portion of total hospital costs related to unbelted motor vehicle crash injuries.

Costs	2019	2020	2021
Inpatient Costs	\$43,895,360.53	\$47,400,848.34	\$51,258,474.73
Outpatient Costs	\$20,617,207.33	\$19,833,256.06	\$23,594,689.69
Total Costs	\$64,512,567.86	\$67,234,104.40	\$74,853,164.42

Seat belt use and injury severity: Direct correlation.

Unbelted vehicle occupants in crashes in North Dakota account for the largest percent of fatalities and serious injuries, while belted occupants most commonly receive non-serious or no injuries.

North Dakota Percent of Restraint Use by Injury Classification, 2017-2021³



Unbelted crash victims have 50% higher medical bills.

Research has shown that unbelted crash victims have medical bills 50% higher than belted crash victims.⁴

A Solution

“If North Dakota had a primary seat belt law, more people would wear seat belts and there wouldn’t be so many families living the nightmare of having to bury their loved ones.”

Quote from Corey Nelson, brother of Kyle Nelson. Kyle was killed in a single-vehicle rollover in rural Geneseo, ND on November 13, 2014. He was not wearing a seat belt, was ejected from, and pinned under the vehicle.

A primary seat belt law.

North Dakota has a secondary seat belt law that allows law enforcement officers to issue a citation for lack of seat belt use only when there is another citable traffic infraction. A primary seat belt law (PBL) would allow law enforcement officers to cite a driver or passenger for not wearing a seat belt, without any other traffic offense taking place.

North Dakota is one of just 15 states with a secondary enforcement law for adult front seat occupants and one of just 9 states where the secondary law does not address rear seat passengers.

A PBL is proven to work. States that transitioned to a PBL have experienced a 10-12% increase in their observed seat belt use.⁴

A majority of North Dakotans favor seat belts with 8 of 10 North Dakotans choosing to wear a seat belt when driving or riding in a motor vehicle. North Dakota’s highest observed seat belt use rates (for front seat vehicle occupants) were reported in 2019 and 2020 at 83.7%. In 2021, the observed seat belt use rate dropped to 81.9%.³

A majority of North Dakotans favor a PBL. Another 2022 statewide survey showed that 59% of respondents favored a PBL in North Dakota.³

Individual responsibility.

Changing from a secondary to a primary seat belt law makes it clear to all drivers and passengers that they are responsible to the people of North Dakota for using their seat belts.

Precedent for primary law.

An argument is often made that it is an individual’s right not to wear a seat belt — or even that driving is a right. But, driving is a privilege, not a right. Individuals not meeting requirements set by state law are not allowed to drive a motor vehicle in North Dakota.

Existing requirements include:

- Drivers must be licensed.
- Drivers must obey speed limits and traffic laws.
- Drivers must wear corrective lenses if necessary.
- Drivers may not use text messaging.
- Drivers may not drive while impaired by alcohol or drugs.

And, seat belt use is also among the requirements for the privilege to drive. But, law enforcement cannot primarily enforce this law resulting in non-compliance among some drivers and occupants.

VISION ZERO

Zero fatalities. Zero excuses.

North Dakota’s Vision Zero strategy aims to establish a culture of personal responsibility where motor vehicle fatalities and serious injuries are recognized as preventable and not tolerated. This means addressing both the causes of crashes and the extent of human injuries and fatalities when crashes occur.

VisionZero.ND.gov

¹ National Safety Council

² North Dakota State University Upper Great Plains Transportation Institute and the North Dakota Department of Transportation Highway Safety Division

³ NDDOT Highway Safety Division

⁴ National Highway Traffic Safety Administration

To: North Dakota Senate Transportation Committee

From: Kelli Just

Date: February 2, 2023

Re: Testimony IN FAVOR of SB 2362

North Dakota Senate Transportation Committee,

I wanted to write a letter that would stress the importance of a "Do Pass" on SB 2362. My first thought was to take the approach with statistics. I know you've all heard the numbers before but let me remind you of the following: According to the NDDOT, over the past five years (2017-2021), 522 people died on North Dakota's roads. Of those people killed in car crashes where seat belts apply (excluding motorcycles, bicyclists, and pedestrians) 51% were not wearing a seatbelt. More people die in motor vehicle crashes in North Dakota from being unbelted than other common contributing crash factors such as drunk driving, distracted driving, or speeding.

I could keep writing about statistics, but then I thought: What has convinced me to wear my seatbelt?

The answer to that question might be more powerful than statistics. It is because of my role as a volunteer EMT that I wear my seatbelt. I have been a Nationally Registered EMT for over 20 years in rural North Dakota and I am a member of the North Dakota EMS Association's Southeast Board of Directors. Being named the 2019 NDEMSEA Provider of the Year was an honor like no other. I feel it is a great privilege and honor to serve my community as an EMS provider. I can provide pre-hospital care for my family members, friends, co-workers, and neighbors during some of their worst moments in life. This is extremely important as many of my neighbors are more than 45 minutes away from a hospital. As an EMT in rural LaMoure County, I have responded to some of the worst of the worst motor vehicle crashes. I have covered a person with a white blanket as he was lying in a ditch after being thrown from a vehicle crash while his wife was watching and crying beside me. I have done CPR on an unbelted, motor vehicle crash victim after they sustained chest trauma from flying into the dash of a pickup truck when it hit a tree. These scenes are ones I cannot erase out of my mind and knowing if these patients of mine would have been buckled up, their outcomes most likely would have been completely different.

Seatbelts do save lives. This is a fact. I am proud that our state is on the right track with programs like Vision Zero, but we need to continue our work help in ensuring North Dakotans stay safe on the roads. I sincerely appreciate your consideration of a "Do Pass" on SB 2362.

Thank you for your time and service to North Dakota.

Kelli Just

Kelli Just

NREMT with Community Volunteer EMS of LaMoure and Edgelely Ambulance Service

701-238-8410

kelli_just@yahoo.com

68th Legislative Assembly Testimony in Support of
Senate Bill No. 2362
Senate Transportation Committee
February 3, 2023

Chairman Clemens and members of the Senate Transportation Committee, my name is Kaitlin Atkinson, and I am the Vision Zero Regional Coordinator for the Grand Forks County Sheriff's Office. I cover 14 counties in the northeastern part of the state, providing education, resources, and messaging to prevent car crashes. When I walk into my office each morning, I scan my email looking to see if there are any updates to the states crash statistics. Each time I get one of those emails, I hold my breath. I wonder if it was someone in my region, if it was someone I could have reached, or even worse, if it is someone I did get the opportunity of talking to.

Just this week, I visited a rural school in my region talking to their students about seatbelts and safe driving habits. It is terrifying when I have elementary students standing in front of me saying to me "My parents don't make me buckle up unless we are going on the highway!". At the young age of 8, this child should have still been in a booster seat because of their size or at least the minimum of being buckled up as required by state law, however their parents are displaying that seatbelts aren't important. On the other end I have students that share how they tell their parents to buckle up because they know how important there are. Unfortunately, I don't hear this side as often.

While I do all that I can to educate kids on the importance of seat belts and even share that North Dakota law says they must buckle up, it never fails that a kid is asking why their parents don't have to. How do you answer that question without telling the kid that their life is valued more than their parents, or that their parents get to make that choice even if it means they could lose their life in a crash because of it? How do you not send a message to that child that once they turn 18 they can decide for themselves if a seatbelt is important enough to wear regardless of the consequences? The simple answer is, I have yet to find a way in the hundreds of conversations I have had in the last 2 and a half years.

By passing Senate Bill 2362, you would be telling all North Dakotans that their life does matter to you. It would be exhibiting that the simple act of buckling up is crucial to making sure parents make it home to their kids at the end of the day.

Please vote DO PASS on SB 2362.

Kaitlin Atkinson
Vision Zero Regional Coordinator
Grand Forks County Sheriff's Office

Testimony - Senate Bill 2362
Senate Transportation Committee
Friday – February 3, 2023
North Dakota Safety Council / Dennis Snodgrass

Mr. Chairman, members of the committee and guests, my name is Dennis Snodgrass and am writing in favor of SB 2362. I am a safety consultant with the North Dakota Safety Council, Chairman of the Minot Accident Review Board, former law enforcement, author, and public speaker. However, the roles I cherish most is that of husband, father, and grandfather.

I talk often with people around the state about the importance of making good choices and safe decisions when operating a motor vehicle. I especially discuss seatbelts and the importance of utilizing them to help keep all occupants safe should they be involved in a crash or collision. As a public figure and, more importantly, a parent, I firmly believe it is our responsibility to be a positive role model for our children and set a good example.

Children learn at a young age that they must be belted in. After all, it's the law. When parents look at seatbelt use as a secondary offense and choose to not wear their seatbelts, they are teaching their children that seatbelts are optional. In other words, they are establishing a standard for their children that they will likely emulate later in life. They're setting an example.

I believe personal choice is important until it negatively impacts others. By teaching children, they only must wear the seatbelt until they achieve adulthood, they are now impacting others with their personal choices.

I urge you to help make seatbelt usage mandatory for all occupants in the vehicle and support this lifesaving bill. Remember, you may be the only person in your vehicle physically, but you are never traveling alone. You have so many people who depend on you to make the right choices and arrive home safely every day.

I thank you fore allowing me to testify today in support of SB 2362.

Contact Information:

Dennis Snodgrass

Safety Consultant – North Dakota Safety Council

Deniss@ndsc.org

701-751-4954

Testimony
68th Legislative Assembly
Senate Transportation Committee
Senate Bill 2362
February 3, 2023
Submitted by: Sarah Myers

Mr. Chairman and members of the Committee, thank you for the opportunity to provide written testimony in support of SB 2362. My name is Sarah Myers, I am a registered nurse and I have been a member of Safe Kids coalitions for 21 years as a child safety advocate. I am testifying today as a private citizen.

The number one contributing factor in motor vehicle crash deaths in North Dakota is not wearing a seat belt.

- More people die in motor vehicle crashes in North Dakota from being unbelted than other common contributing crash factors such as drunk driving, distracted driving, or speeding. (NDDOT)
- Over the past five years (2017-2021), 522 people died on North Dakota's roads. Of those people killed in car crashes where seat belts apply (excluding motorcycles, bicyclists and pedestrians) 51% were not wearing a seat belt. (NDDOT)
- North Dakota's seat belt use rate is 81.9 percent (NDDOT/NDSU UGPTI, 2021). This means that about 18 percent – about 140,000 North Dakotans – remain extremely vulnerable to the consequences of a crash. This 18 percent is contributing to about half of North Dakota crash deaths annually.

Our law in North Dakota is in dire need of updating and I hope you will support Senate Bill 2362.

Chairman Clemens and members of the Senate
Transportation Committee,

My name is Dean Rummel, Senator from District 37.
Senate Bill 2362 does not represent a new law, it changes
existing ND law as follows:

1. Changes the enforcement from secondary to
primary.
2. Changes the requirement for seat belt use from
front seat occupants to all occupants.

ND law already has primary enforcement of restraint use
for minors under the age of 18. The fine for a violation
with this bill remains the same at \$20.

The debate over “personal choice” to not wear a seat
belt and the actual “privilege” to drive has been going on
for many years. It is comparable to previous debates on
wearing blaze orange while hunting in North Dakota or
for wearing a personal floatation device when on a
personal water craft. Fines for both these violations is
\$25.

Safety belts, blaze orange and personal floatation devices
save lives. You have heard and will hear many of the
statistics that prove that safety belts save lives. What I
intend to share with you is some life experiences. We all

have those life experiences that mold who you are and your opinion on subjects like safety belts.

My parents owned an auto salvage yard for nearly 60 years. Since we needed tow trucks anyway, we were in the towing business. Dad had free labor so in our early teens we would have to help him at nights and on weekends when the tow trucks where called out to crashes. We saw many crashes some with fatalities, those you never seem to forget. My father was on the Dickinson Rural Fire Department and was Chief for many years. With his experience he started the Dickinson Rural Rescue Squad. I was 18 when I joined the fire department and rescue squad. I helped him write grants for extraction equipment called the “jaws of life.” Dickinson was one of the first in the State to have that equipment. Since we had an unlimited amount of wrecked vehicles, we were able to train many first responders in western ND.

After spending many years being exposed to numerous crashes I have an opinion about the rights of ambulance drivers, EMT’s, firefighters, peace officers, rescue squad members, emergency room nurses and doctors and families of victims.

Yes, it is their job to help people. But we have the ability to reduce the number of deaths and injuries they need to deal with.

From personal experience I want to inform you about roll-over crashes. The chances of being killed is four times greater if you are thrown or partially ejected from a vehicle. My wife and middle son had just delivered some furniture to our youngest son who was attending NDSU. Coming out of Fargo on a cold, clear day she hit a patch of black ice and rolled the pickup into the median. The windows blew out, both of them were wearing their seat belts and they stayed securely in the vehicle. Thankfully neither one of them were injured. I believe the outcome would have been much different if they were not wearing their seat belts.

We already have a majority of North Dakotans that favor seat belts since 8 out of 10 wear a seat belt when driving or riding in a motor vehicle. With a primary seat belt law, more people would wear seat belts. Seat belts save lives and it is the single most effective safety device.

Since we are tasked with determining if any bill will impact our workforce, I can safely say this bill certainly will. I would stand for any questions.

GM Testimony on SB 2362

Good morning Chairman Clemens and members of the committee. My name is Don Larson, and I am here today on behalf of General Motors. I would like to offer support for SB 2362, the Primary Seat Belt bill.

General Motors has a strong commitment to safety that reaches all parts of the company, impacting everything from the development of our vehicles to the work behaviors of our employees. Ultimately, the safety of our customers and employees takes precedence over everything else.

GM's CEO, Mary Barra, has outlined the company's vision of a world with zero crashes, zero emissions and zero congestion. We are working on the technologies that will create this future, blending global insights with local market expertise as the automotive industry transforms from traditional manufacturing to transportation services. Safety, however, remains at the core of this vision.

It is for this reason that we support efforts for a primary seat belt enforcement law in North Dakota. The seat belt is the primary safety device in a motor vehicle. It protects both the driver and passengers in the event of a collision. While we continue to develop advanced driver assist technologies to keep our customers safe, the seat belt remains the most effective tool in preventing injuries and saving lives in the event of an accident.

While we respect the opinions of those who may consider the use of a seat belt an infringement that should be a personal choice – we believe there is too much at stake to not recognize the importance of using the primary safety device installed in each vehicle.

Mr. Chairman and members of the committee, thank you for your time and consideration of this very important legislation.

Ross Hausfeld
Minot, North Dakota

Chairman Ruby and House Transportation Committee
North Dakota State Legislature
Bismark, North Dakota

March 3, 2023

Dear Chairman Ruby and Members of the House Transportation Committee,

I write in opposition of Senate Bill 2362 making seatbelt use a universal requirement in a motor vehicle as well as creating police power of primary enforcement. Seatbelt use is an excellent idea and there is no question using one lessens your chance of severe injury or death in the event of a collision or rollover. I wear mine every time I'm in a vehicle. It is my belief, however, that not every excellent idea needs to be legislated and stomped into existence with police checkpoints. Helpfully, and unfortunately, all of us today have an extremely recent and simple example to refer to in telling people to wear something 'or else'.

Allow me to refer to a few sobering statistics. According to the ND Department of Health & Human Services 1157 people passed away with primary cause listed as COVID-19 in 2020. In 2021, 595 passed. In that same year the 67th ND Legislature not only voted to ban statewide mask mandates; the Legislature voted in a 2/3rds Super-majority to override an attempted Veto of that bill. What I find strange is in the situation with masks one can make a clear connection that proper and universal usage protected other people and society at large far more than for oneself personally.

Seatbelts are in all relevant reference points the opposite. A personal decision to not wear one and suffer the consequences affects that person, not a crowded room spreading disease, and perhaps the emotional burden for close relations of a loved one lost. I remember the original arguments years ago behind the first seatbelt laws that the government had authority on this issue because unbelted people in motor vehicle crashes were putting an unnecessary and avoidable burden on the healthcare system. I will confidently say there has never been a healthcare system crisis approaching even 1% of the COVID-19 Pandemic because of a 'Pandemic of the Unbelted'. According to the ND DOT 41 persons who were not wearing seatbelts perished on our roads in 2020. In 2021 that number was 43. Road fatalities are down 42% from 10 years ago so I question why this is now suddenly a hot topic and police checkpoints are the only way forward, if some others are to be believed. Roughly two-thirds of motorcycle deaths are unhelmed each year, shall the citizens of North Dakota expect a universal helmet bill in 2025? The Legislature can keep mandating "excellent personal behavior ideas" forever, there will always be more. We can look to many other states to see it never ends up being enough for some people. Thank you for your time and consideration on this bill.

Sincerely, Ross Hausfeld



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

KELLY LEBEN
SHERIFF

Testimony Prepared for the
House Transportation Committee

March 6, 2023

By: Kelly Leben, Sheriff

RE: Supportive Testimony for Senate Bill 2362 – Primary Seatbelt

I am testifying in support of SB 2362, a bill to change North Dakota's Seat Belt Law from a secondary offense to a primary offense because this is a change to the law that I believe in.

As a 32 year veteran of law enforcement and a former 10 year instructor for the North Dakota Safety Council in the areas of traffic safety, I have lived by my belief that it takes education and enforcement to make our roadways safer in the State of North Dakota. The ultimate goal of law enforcement is not to issue traffic citations, but rather to have voluntary compliance of the law to ensure the motoring public is safe in their travels. As a part of every class I instructed to the public, I presented on the current traffic fatality statistics gathered in our state. In each class, I made a point of discussing the fact that our statistics remain very consistent each year on what is killing our friends and family on the roadways in North Dakota. The #1 cause of death on the roadways in our state is unbelted occupants. In 2022 that risk factor equated to 68% of all fatalities. In the Risk Management Industry is a quote; *if it's predictable, it's preventable*. I think statistics show us unbelted fatalities are predictable.

There will always be the argument that the decision to buckle up or not buckle up is a personal choice. In reality, that argument has already been negated, because North Dakota already has a law making the decision not to buckle up a traffic offense. This change in law would only move it from secondary enforcement to primary enforcement thus putting more emphasis on traffic safety and enforcement. Our state has other laws already established that impose requirements on the motoring public to use our roadways. These laws each have a specific purpose just like this change does and when we look at driving in our state, we must always remember, it is a privilege and not a right.

The use of seatbelts is a proven strategy in preventing serious injury and death in motor vehicle crashes. By moving our law from secondary enforcement to primary enforcement,

COURTHOUSE

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DETENTION CENTER**

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we have the opportunity to gain more voluntary compliance with the law thus reducing the amount of injury and death and the associated costs that result from these crashes. In the end, it is not about issuing citations, it's about saving lives.

Thank you for your time and consideration and please feel free to contact me with any questions you may have.

Sincerely,



Kelly Leben, Sheriff
Burleigh County



2023 SB 2362
House Transportation Committee
Representative Dan Ruby, Chairman
March 9, 2023

Chairman Ruby and members of the House Transportation Committee, I am Tim Blasl, President of the North Dakota Hospital Association (NDHA). We support Senate Bill 2362 and ask that you give this bill a **Do Pass** recommendation.

Hospitals support this bill because we know that increasing seat belt use is critical to reducing injury and saving lives. According to data from the Centers for Disease Control and Prevention (CDC), most drivers and passengers killed in vehicle crashes are unrestrained. Here are some other important points:

- Among drivers and front-seat passengers, seat belts reduce the risk of death by 45%, and cut the risk of serious injury by 50%.
- Seat belts prevent drivers and passengers from being ejected during a crash. People not wearing a seat belt are 30 times more likely to be ejected from a vehicle during a crash. More than 3 out of 4 people who are ejected during a crash die from their injuries.
- Seat belts save thousands of lives each year. Seat belts saved almost 13,000 lives in 2009. If all drivers and passengers had worn seat belts that year, almost 4,000 more people would be alive today.
- 53% of drivers and passengers killed in car crashes in 2009 were not wearing restraints.

Laws requiring seat belt use are either “primary” or “secondary” enforcement laws. Primary enforcement laws allow police officers to issue a ticket when a driver or a passenger is not wearing a seat belt. Secondary enforcement laws, such as our current law, only allow a police officer to issue a ticket for a seat belt violation if a driver has been pulled over for some other offense. Secondary enforcement significantly limits the ability to enforce seat belt laws. Rates of seat belt use are nine percent higher in primary enforcement states than

secondary states. If the overall prevalence of seat belt use in states with secondary enforcement laws had matched the higher prevalence in states with primary laws, an additional 7.3 million adults would have buckled up in 2008. A primary enforcement seat belt law covering all passengers will increase seat belt use and save lives.

For these important reasons, we urge you to give this bill a **Do Pass** recommendation. Thank you.

Respectfully Submitted,

Tim Blasl, President,
North Dakota Hospital Association



68th Legislative Assembly

Testimony in **Support** of

Senate Bill 2362

House Transportation Committee

March 9, 2023

TESTIMONY OF

Trooper Christa Kovarik

Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Christa Kovarik and I have been a Trooper with the North Dakota Highway Patrol since 2003. I am here to provide testimony in support of Senate Bill 2362.

In the summer of 1984, we were planning a family trip to Oregon for our family reunion, and I remember my mom saying, 'we **WILL** wear our seatbelts on this trip'. What started then began a habit I didn't know I would cherish in the years to come. Flash forward almost ten years to May 1993 and I had just graduated from high school. I was accepted to NDSU for the fall semester and was having that teenage argument with my parents of **NEEDING** a new car for college as my 1979 Chrysler Cordoba just was not cool for NDSU. My parents gave me permission to take the family minivan as it was more reliable for the long trips back and forth to Fargo.

On July 30, 1993, I was on my way home from Beulah to Hazen, the traffic at that time was busy due to the relatively new gas plant, coal mine, and power plant. Growing up, I had always avoided Highway 200 between Hazen and Beulah because of the "plant traffic". On that day, I was traveling home from Beulah and was at the 'spill piles' when I looked ahead and saw a vehicle in front of me, and I thought no big deal, but in my two years of driving, my defensive driving skills was pretty much zero.

I realized that the vehicle was stopped in front of me, I panicked and jammed on my brakes, and steered right. The vehicle spun and entered the ditch. As I was sliding through the ditch and rolling, I remember thinking, "Man, I hope I don't roll forever like on tv." I remember tasting dirt and grass as my vehicle rolled. My vehicle came to a stop on its roof in the ditch and I was suspended by my seatbelt in my seat. The roof was caved in just enough that my head was almost touching the top. I heard a voice asking, "Are you ok?". I replied, "Yes, but I can't get out of my seatbelt."

Someone crawled into my passenger side and tried to help me. Together, we finally released the pressure on the buckle, I was released and walked away from the vehicle. While walking up the hill, I met my cousin who was the fire chief from Hazen walking down the ditch toward my vehicle. He was a big, tough firefighter and he looked at me and said, "Hey." I responded back to him, "Hey" and that was that. Later, he read me the riot act for wrecking but was glad I was not hurt. I walked up the ditch to sit in a patrol car of a Beulah police officer who had responded to the scene and was first onsite. The ambulance arrived and I declined transport,

however they made me wear a c-collar. I was waiting for my parents and was more nervous for that rather than anything else in the world at that point. Mercer County Deputy Ternes came over to ask me a few questions and presented me with a care required ticket. My parents arrived and while I expected the worst, they were just happy I was not injured. Now the family joke from then was that I didn't want to take that minivan to college, so I wrecked it. And yes, I had to take the uncool Chrysler to NDSU.

Over the years, I have always admired police officers and especially the highway patrol as I saw them all the time on my trips back and forth to Fargo. Now here I am as a NDHP Trooper where I serve on the crash reconstruction team; teach First Aid and CPR; serve as an emergency responder and emergency medical technician; and teach Alive at 25 and Defensive Driving in cooperation with the ND Safety Council. Over the past 20 years, I have covered countless crashes and even more traffic stops. I have often heard from those I have stopped that a seatbelt law infringes on their right to do what they want. I can cite to them that in the 1972 case of *Simon v. Sargent*, the United States District Court of Massachusetts disagrees with the notion that police power does not extend to overcoming the right of an individual to incur traffic safety risks that involve only that person. The Court stated:

"From the moment of the injury, society picks the person up off the highway; delivers him with unemployment compensation if, after recovery, he cannot replace his lost job, and, if the injury causes permanent disability, may assume the responsibility for his and his family's continued subsistence. We do not understand a state of mind that permits [the person] to think that only he himself is concerned."

The courts agree that a seat belt is not an infringement on the rights of the person; driving is a privilege and with privilege comes responsibility and with that is the responsibility to care for your life and others on the road, including mine.

Think of the repercussions to a first responder at a crash where people are thrown out or crushed by the vehicle landing on top of them. How does that person respond, time after time, to crashes knowing the carnage that they might encounter following a crash.

Working in small posts during my entire career, I get to know the local people and in some cases their kids and grandkids too. That being said, I also recognize vehicles and who drives them, I call it an occupational hazard. Imagine getting called to a crash, rolling up on scene and recognizing the vehicle involved as someone you know; a person you have waved to every time you pass; visit with each time you fill up with gas; or run into each other at a school activity. My heart sinks when I see that familiar vehicle wrecked...how will I deliver the news to their spouse, child, or grandchildren? It makes me think of my cousin, the fire chief, who saw my vehicle wrecked, what did he feel as he pulled up on scene?

I have witnessed a parent fall to their knees when hearing that their child was killed in a crash. I personally know several people who chose to not wear a seatbelt and that choice means they are not alive today. I have been to more than one crash where the person was thrown from the vehicle and died, and I can still see their lifeless face when I close my eyes at night.

This proposed seatbelt law is not a way for law enforcement to make more stops and meet a quota. As adults, we joke that the day can't start in the morning, unless we have our coffee. We take that coffee and put it in a travel mug, we protect it from the cold by putting the lid on it, so it doesn't spill. We place that mug in the cup holder in our car to keep it from tipping over and flying around if we must slow to turn, or swerve, or brake hard in traffic. Yet we question wearing a seatbelt in that same vehicle to protect our bodies and our lives. The coffee can be replaced, your life can not. This law is a no-cost way to save lives. People need to realize they are more valuable than coffee and that it costs **NOTHING** to buckle up every trip, every time.

That concludes my testimony, I would be happy to answer any questions.



July 30, 1993



Testimony to the
House Transportation Committee
Prepared March 6, 2023
by Ryan Gellner, North Dakota Association of Counties

Regarding: SB 2362

My Name is Ryan Gellner, representing the North Dakota Association of Counties.

The North Dakota Association of Counties **supports SB 2362**

In North Dakota, there are over eleven-thousand miles of county roads that counties are responsible for. Counties throughout North Dakota have taken the Vision Zero initiative seriously and are supportive of updating North Dakota's seatbelt law to primary enforcement.

North Dakota is one of the remaining 15 states that lack primary enforcement authority for the use of seatbelts in motor vehicles. A primary seatbelt law will have an immediate and significant impact on reducing motor vehicle crash deaths and serious injuries in North Dakota.

Updating to a primary seatbelt law will increase seatbelt use among North Dakotans. Research from the National Highway Traffic Safety Administration (NHTSA) estimates that North Dakota will experience a 10-12 percent increase in observed seatbelt use and switching from a secondary law to a primary law will **save** an average of **at least 5 lives every year** in our state.

Unbelted motor vehicle occupants are a danger to others. In a crash, unbuckled passengers can become a projectile and increase the risk of hurting or killing others in the vehicle by 40 percent (NHTSA). Seatbelts are the number one contributing factor in motor vehicle crash deaths in North Dakota. More people die in motor vehicle crashes in North Dakota from being unbelted than any other common contributing crash factor.

Driving on public roads is a privilege and not a right... therefore it can and should be regulated. Requiring seatbelt use is no more an infringement on your rights than requiring liability insurance, being required to turn on your headlights, or stopping at stop signs. Upgrading North Dakota's seatbelt law from secondary enforcement to primary enforcement won't create a new law. It will simply allow law enforcement officers to enforce a seatbelt law just like they do any other traffic law.

You have the power. The North Dakota Association of Counties is asking you to keep us safe on our roadways. More people die in motor vehicle crashes in our state from being unbelted than any other contributing crash factor including drunk driving, distracted driving, or speeding (NDDOT).

Thank you, Transportation Committee members. Your work on protecting every North Dakota citizen riding in an automobile is greatly appreciated.

Ryan Gellner

NDACo

"If North Dakota had a primary seat belt law, more people would wear seat belts and there wouldn't be so many families living the nightmare of having to bury their loved ones."

Quote from Corey Nelson, brother of Kyle Nelson. Kyle was killed in a single-vehicle rollover in rural Geneseo, ND on November 13, 2014. He was not wearing a seatbelt, was ejected from, and pinned under the vehicle.

**House Transportation Committee
Written Testimony for SB 2362**

Chairman Representative Ruby and members of the House Transportation Committee. My name is Daryl Dukart I have been a member of Vision Zero for many years now and served as a public official for more than 25 years in Dunn County. Serving for the Local Fire Board, Ambulance Board, School Board, and my last service before entering retirement was as a County Commissioner.

Over all these years I have heard, seen and experience the loss of life due to the lack of wearing your safety device provided for you in a motorized vehicle by its manufacturer. As the debate goes on and on about choice's, "yes", we all like and appreciate the freedom of choice. So, why does the word **(IF)** come about so often when an individual is killed or seriously injured in a vehicle accident. Normally this word is related to the use of the **seat belt being clipped and in place around the users** in the Vehicle.

As a father, grandfather, great grandfather, friend of many, neighbor to parents and children I want to see them Sunday in church, at the next home basketball game or at our next local community activity which we may all gather together at.

"YES" let's enforce Mandatory seat belt laws in North Dakota. Let's together "you as members of the House Transportation committee and me as the writer of this testimony say" It's time to make a different choice and vote YES on the SB2362

Please support SB2362.

Daryl Dukart
Dunn County
Dunn Center, ND

To whom it may concern;

I am a Grand Forks North Dakota Resident a mom of 2, and a lifelong safety advocate. I would like to ask you to vote yes on SB 2362, and make seatbelt use a primary offense.

I understand many people feel this infringes on their personal freedoms. I would argue that, if they are involved in a crash and their unbelted body impacts the other occupants of their vehicle, they are then infringing on other's right to live.

I recently learned that, of the 97 motor vehicle fatalities in North Dakota last year, 62% were unbelted. That is a tragedy, that something so simple could have kept these North Dakotans alive.

Please vote yes. Thank you.

Tina Sanders

710 Oak St. Grand Forks

March 7, 2023

North Dakota House Transportation Committee & House Members

Re: Support of Senate Bill 2362

Hello, my name is Jasmine Wangen and I am resident of Grand Forks in Grand Forks county. I have 2 young children and have lived in North Dakota my whole life. For the past 8 years I have worked in injury prevention as a car seat technician instructor. With my role, I talk often to adults and children on the importance of buckling up in the car. We often hear "I'm a good driver, I'm not going to get in a crash.", but in reality, no one plans to get in a crash and sometimes the best driver can be up against someone that isn't such a good driver and the outcome can be horrible. Knowing that just wearing a seat belt can sometimes turn a deadly crash into a minor injury should be enough to make everyone want to buckle up. We know that isn't the case and have to look to our law to help people make the best decision to stay safe.

The proposed legislation is also to add that back seat passengers are required to wear their seatbelt. The people in the back seat are just as much at risk as others in the vehicle and oftentimes if unbuckled, can crash into and kill or injure other occupants.

Our law in North Dakota is in need of updating and I hope you will support Senate Bill 2362.

Jasmine Wangen, CPSTI
Grand Forks, ND
701.610.6352



March 7, 2023

To: Transportation Committee Members

From: Sergeant Tim Bleth

Subject: SB2362

Mr. Chairman and members of the Transportation Committee for the record, my name is Tim Bleth. I am a Sergeant with the Bismarck Police Department and assigned to the Traffic Section. I have been in law enforcement for over 24 years with the last 14 years in the traffic section. I am also a crash reconstructionist who provides expert opinions on crash analysis. I have been instructing Defensive Driving for over 10 years as well. I am testifying in support of SB2362 which would repeal 39-21-41.5 and require all occupants within a vehicle to wear a safety belt. The Bismarck Police Department strongly supports this bill.

You are 14 times more likely to be injured or killed in a roll over crash if not wearing a safety belt. With North Dakota being a rural state with several two-lane highways and gravel roads with no shoulders, the chances of being involved in a rollover crash increases greatly, and yes, we do have several rollover crashes in Bismarck as well.

When occupants fail to wear their safety belts, their weight times speed will create a force which potentially could impact other occupants in the vehicle. For example, a 200lb adult moving at 30mph will create 6000ft/lbs of kinetic energy. Imagine a small child secured in a safety seat and an adult is thrown at that child with 6000ft/lbs of force. The child more than likely would suffer severe injury or death.

Law Enforcement are partners of the Vision Zero campaign, and we all want to strive for zero fatalities in motor vehicle crashes. I have heard from many of the violators I have stopped state, "If it was a primary law, I would always wear my seat belt".

Thank you for your time and consideration. I will be present at the hearing if you have any further questions.

Sincerely,

Sergeant Tim Bleth

Dave Draovitch, Chief of Police

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North Dakota House Transportation Committee and House Members.

I am a resident of Lakota, Nelson County.

As an EMT for Lakota Ambulance and a former Deputy Sheriff for Nelson County. I believe the use of Seatbelts should be a primary offense for all occupants of a motor vehicle.

For this reason, I support a DO PASS on Senate Bill 2362.

Thank You for your time.

Keith A Olson

68th Legislative Assembly Testimony in Support of
Senate Bill No. 2362
Senate Transportation Committee
February 3, 2023

Chairman Ruby and members of the House Transportation Committee, my name is Kaitlin Atkinson, and I am the Vision Zero Regional Coordinator for the Grand Forks County Sheriff's Office. I cover 14 counties in the northeastern part of the state, providing education, resources, and messaging to prevent car crashes. When I walk into my office each morning, I scan my email looking to see if there are any updates to the states crash statistics. Each time I get one of those emails, I hold my breath. I wonder if it was someone in my region, if it was someone I could have reached, or even worse, if it is someone I did get the opportunity of talking to.

Just a couple weeks ago, I visited a rural school in my region talking to their students about seatbelts and safe driving habits. It is terrifying when I have elementary students standing in front of me saying to me "My parents don't make me buckle up unless we are going on the highway!". At the young age of 8, this child should have still been in a booster seat because of their size or at least the minimum of being buckled up as required by state law, however their parents are displaying that seatbelts aren't important. On the other end I have students that share how they tell their parents to buckle up because they know how important there are. Unfortunately, I don't hear this side as often.

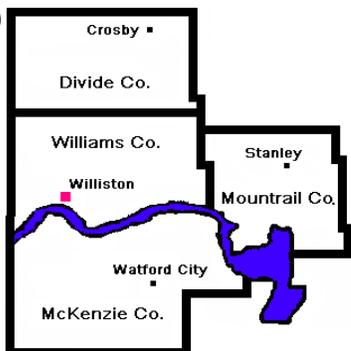
While I do all that I can to educate kids on the importance of seat belts and even share that North Dakota law says they must buckle up, it never fails that a kid is asking why their parents don't have to. How do you answer that question without telling the kid that their life is valued more than their parents, or that their parents get to make that choice even if it means they could lose their life in a crash because of it? How do you not send a message to that child that once they turn 18 they can decide for themselves if a seatbelt is important enough to wear regardless of the consequences? The simple answer is, I have yet to find a way in the hundreds of conversations I have had in the last 2 and a half years.

By passing Senate Bill 2362, you would be telling all North Dakotans that their life does matter to you. It would be exhibiting that the simple act of buckling up is crucial to making sure parents make it home to their kids at the end of the day.

Please vote DO PASS on SB 2362.

Kaitlin Atkinson
Vision Zero Regional Coordinator
Grand Forks County Sheriff's Office

www.umdhu.org



Upper Missouri District Health Unit

"Your Public Health Professionals"

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WILLIAMS COUNTY

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Williston, ND 58801-6056
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Fax 701-577- 8536
Toll Free 1-877-572-3763

Senate Bill 2362

Safety belt usage

2:30 p.m., March 9, 2023, House Transportation Committee

Good afternoon, Chairman Ruby and members of the House Transportation Committee. I am Javayne Oyloe, Executive Officer of Upper Missouri District Health Unit, which provides services in Divide, McKenzie, Mountrail and Williams Counties. I have worked in public health for 27 years and in my current position since 2009. I am in support of SB 2362.

The technology of safety belts and airbags work together. Increasing use of safety belts will create the biggest impact to reduce deaths in ND. Airbags will likely cause more injury and death without a safety belt keeping the occupant in place. Please vote in favor of this bill.

Javayne Oyloe
Executive Officer
Upper Missouri District Health Unit
701-774-6409
joyloe@umdhu.org



March 8, 2023

Representative Dan Ruby
 State Capitol
 600 E. Boulevard Ave.
 Bismarck, ND 58505

AAA-The Auto Club Group
4950 13th Ave. S., Ste. 15
Fargo, ND 58103-7268

(701) 367-9257
eladoucer@acg.aaa.com

Chairman Ruby and Members of the House Transportation Committee,

On behalf of AAA – The Auto Club Group and our more than 70,000 members in North Dakota I'm writing to express support for SB 2362, which would allow primary enforcement of the state's seat belt law.

As someone who's spoken to many groups on traffic safety-related topics, I frequently ask people if they'd buckle their seat belt if they knew they'd be involved in a crash. I've never heard "no." It's widely accepted that seat belts give vehicle occupants the best chance at survival in a crash. They also serve to lessen the severity of injuries. Tragically, at least 46 North Dakotans didn't get a second chance to buckle their belt last year.

No one plans to be in a car crash, but that doesn't stop them from happening. People make mistakes. Not buckling a seat belt isn't a mistake. It's a choice that too often leads to tragedy. A tragedy that affects many people – family, friends, communities and taxpayers. Passage of SB 2362 would help increase seat belt usage and, thereby, reduce the tragic loss of life on our roads.

Yes, vehicles are safer than ever, but that safety is largely dependent on the driver and passengers being properly buckled in. Without the seat belt, all the safety engineering that goes into crumple zones, airbags, passenger compartments, glass and much more is deemed much less effective. The roughly 18 percent of North Dakotans who ignore this fact die at higher rates on North Dakota roads. The overwhelming majority are men.

Through education, enforcement and sound, evidence-based policy, we can increase seat belt use in North Dakota and reduce the unnecessary loss of life and the personal and economic toll traffic crashes have on everyone. Stemming the tide of crash fatalities and serious injuries starts with embracing a culture of safety and the Safe Systems Approach to traffic safety. The House Transportation Committee can lead the way by embracing SB 2362.

Mr. Chairman, I appreciate the opportunity to express support for this important measure and urge a "Do Pass" recommendation by the committee.

Sincerely,

A handwritten signature in black ink that reads "Gene LaDoucer".

Gene LaDoucer
 Public Affairs Director

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 70,000 members and works to represent the interests of members and the traveling public in the state legislature.

Dear ND House Transportation Committee and House Members,

I am writing in support of Senate Bill 2362. I was born and raised in Bismarck. Since then, I have been a Certified Emergency Room Nurse in various hospitals across the country. Since moving back to Bismarck 1 year ago, I have been working with Sanford Bismarck in the Trauma Program as the Injury Prevention Coordinator.

Over the past 8 years of my career, I've seen countless injuries and deaths related to motor vehicle crashes. I've cared for patients with devastating injuries after being ejected from a vehicle. I've cried with families who have lost a loved one in a crash. I've witnessed people walk out of my department unscathed after a horrific crash – because they were wearing their seat belt. I am passionate about Emergency Room nursing, and part of that passion involves educating the public on how to keep themselves from becoming a patient. I truly believe that more lives would be saved and injuries prevented if everybody who was travelling in a car wore their seatbelt.

I urge you to please vote to pass SB 2362. I believe that this could be a hugely effective step toward preventing more tragedies on North Dakota roadways.

Thank you for your time,

Alyssa Preszler, BSN RN CEN
Pediatric Trauma Coordinator
Sanford Health Bismarck



House Transportation Committee

March 9, 2023 by Theresa Liebsch, Vision Zero - Occupant Protection Committee

In Support of SB 2362

Good afternoon Chairman Ruby and House Transportation Committee.

My Name is Theresa Liebsch, and I am a Vision Zero Outreach Regional Coordinator - but I come before you today as a committee member representing Vision Zero's Priority Emphasis Team in the area of occupant protection.

The occupant protection committee strongly supports SB 2362. The Primary Seatbelt bill has been in front of this committee before. In years past this committee has challenged the committee I represent to do more. You asked our occupant protection committee to do more education, with the hopes that education will equate to more people wearing seatbelts.

I'm proud to report we have done the education. Much of the education has been delivered by myself and by the three other vision zero coordinators in the state through the vision zero initiative. Our educational efforts have been recognized by the National Highway Traffic Safety Administration - calling it a model program, with our Program Director, Ryan Gellner, being asked to present on North Dakota's traffic safety educational efforts at national conferences and conventions. We provide some of the best education in the nation, but, I'm here to tell you - it's not enough - we need your help with a primary seatbelt law.

Legislators have commented that if we made the roadways safer - we would decrease injuries and fatalities, and a primary seatbelt law wouldn't be needed. Billions of dollars of improvements later - we still need your help with a primary seatbelt law. For no cost - you can implement a primary seatbelt law that will significantly decrease serious injuries, and lower fatalities.

Today, I ask this committee to listen to the experts in this room... men and women that have committed their work to making North Dakota's transportation system efficient and safe. The experts on transportation and safety are in the room or have submitted testimony. I urge - no matter how you've voted on this bill in the past, that you listen to the experts and the facts and the data that they will supply.

The Primary Seatbelt law is NOT a new law. Our committee is simply asking the Legislature to update a law that's already in the books. We're asking to simply strike 14 words from an outdated law that will take us from secondary enforcement to primary enforcement and require everyone in the vehicle to buckle up... if you help us by doing that - we will save 5-7 lives per year in North Dakota. I'll repeat that. You can save 5-7 lives next year by simply pushing a green button.

I understand much of your decision on SB 2362 comes down to personal freedoms. I will remind you that driving is a privilege and not a right. To drive a motor vehicle - you must obtain a driver's license... and that comes with rules. Rules all of us follow every single day.

There is a law to stop at stop signs. There are laws on how fast you can drive. There are laws telling us where we can... and cannot park. Outside of traffic safety - we mandate what color a person has to wear when they are hunting, and how many fish they can keep while fishing.

We take away personal freedoms every single day - for the good of our society.

Because this bill will reduce deaths and injuries, It's not a loss of freedom. It's a chance at life.

Once again - I urge you to listen to the experts in the room today and pass SB 2362.

With that - I stand for Any Questions.

Testimony Prepared for the
House Transportation Committee

March 9, 2023

By: Jason Benson, Cass County Engineer



RE: Support SB 2362 Primary Seat Belt Use

Chairman Ruby and House Transportation Committee members, thank you for the opportunity to provide testimony on SB 2362. I am Jason Benson, the Cass County Engineer, and I also serve on the legislative committee for the ND Association of County Engineers. I am here to support the bill as proposed.

County Highway Departments across North Dakota have completed safety projects in conjunction with the 2014 NDDOT sponsored statewide Local Road Safety Plan (LRSP). The purpose of this plan was to identify safety emphasis areas, high priority safety strategies, at-risk locations, and develop safety investment options. One of the critical issues identified was the higher crash rate on rural paved roads. While gravel roads make up approximately 93% of North Dakota's 97,600 miles of the rural local road system, approximately half of the severe crashes are on the paved roads that make up only 7% of the rural system.

The LRSP therefore focused on the Cass County paved road network and a Risk Rating Criteria was developed for the paved roads based on: Density of Road Departure Crashes; Traffic Volume; Curve (Critical Radius) Density; Access Density; and Road Edge Risk Assessment. Cass County initially focused on safety strategies including rumble strips, pavement markings, pavement safety edges, and improved signing. The LRSP identified as the biggest safety recommendation action to improve streetlights, signage, pavement markings, and dynamic warning signs.

Since the 2014 LRSP, Cass County has applied for and received over \$1.75 million in Highway Safety Improvement Program (HSIP) funding and \$1.1 million in Safe Routes to Schools funding for critical intersection improvements and school zone safety projects. The HSIP funding, provided through the NDDOT, is over and above our normal allocation of federal highway and bridge funds.

Our focus on roadway safety has reduced the number of crashes on our county roads. From 2006 to 2012 we averaged 71 crashes per year on our roadways. From 2013 to 2020 we averaged 54 crashes per year, for a reduction of 23% since implementing these safety projects. It is encouraging to see the decrease in crashes these two periods before and after the implementation of these systemic safety improvements.

While we are making improvements on the safety of our roadways, we cannot spend and build our way out of serious crashes and fatalities. The reality is that for no cost, we can implement a law that will require primary seat belt use. For no cost, we will have a much greater impact than the millions of dollars we have spent and the millions more needed to keep reducing crashes. Chairman Ruby and committee members, I want to reiterate that NDACE supports the bill as written. Approving this change will encourage more seat belt use and prevent unnecessary serious injuries or fatalities on our county road networks.

Testimony - Senate Bill 2362
Senate Transportation Committee
Friday – February 3, 2023
North Dakota Safety Council / Dennis Snodgrass

Mr. Chairman, members of the committee and guests, my name is Dennis Snodgrass and am writing in favor of SB 2362. I am a safety consultant with the North Dakota Safety Council, Chairman of the Minot Accident Review Board, former law enforcement, author, and public speaker. However, the roles I cherish most is that of husband, father, and grandfather.

I talk often with people around the state about the importance of making good choices and safe decisions when operating a motor vehicle. I especially discuss seatbelts and the importance of utilizing them to help keep all occupants safe should they be involved in a crash or collision. As a public figure and, more importantly, a parent, I firmly believe it is our responsibility to be a positive role model for our children and set a good example.

Children learn at a young age that they must be belted in. After all, it's the law. When parents look at seatbelt use as a secondary offense and choose to not wear their seatbelts, they are teaching their children that seatbelts are optional. In other words, they are establishing a standard for their children that they will likely emulate later in life. They're setting an example.

I believe personal choice is important until it negatively impacts others. By teaching children, they only must wear the seatbelt until they achieve adulthood, they are now impacting others with their personal choices.

I urge you to help make seatbelt usage mandatory for all occupants in the vehicle and support this lifesaving bill. Remember, you may be the only person in your vehicle physically, but you are never traveling alone. You have so many people who depend on you to make the right choices and arrive home safely every day.

I thank you fore allowing me to testify today in support of SB 2362.

Contact Information:

Dennis Snodgrass

Safety Consultant – North Dakota Safety Council

Deniss@ndsc.org

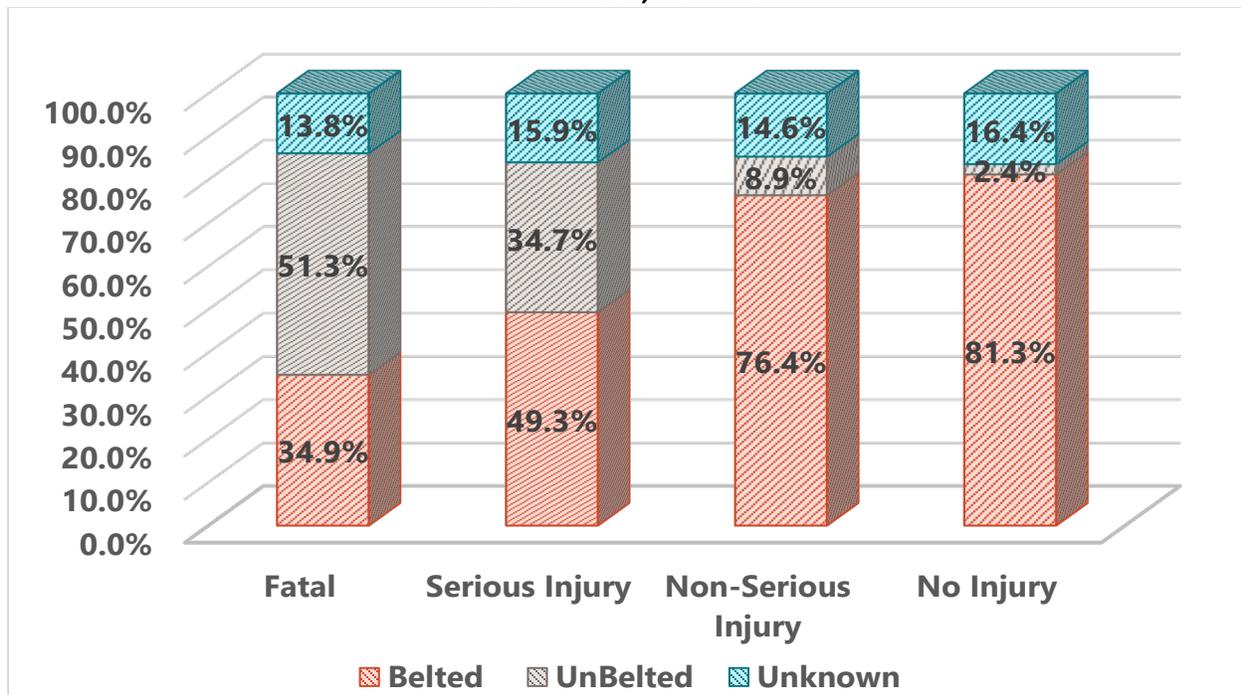
701-751-4954

Good morning, Chairman Ruby and members of the committee. I'm Ron Henke, Director of the North Dakota Department of Transportation (NDDOT). I'm here in support of SB 2362.

More people die in unbelted crashes in North Dakota than other contributing crash factors including impaired driving, distracted driving, or speeding. So far in 2023, there have been 10 crash fatalities. Six of nine of these fatalities, where seat belts applied, were unbelted.

Crash data collected and analyzed by the NDDOT shows that over the past five years (2017-2021), 522 people died in motor vehicle crashes. Of those killed (where seat belts apply - excluding motorcyclists, bicyclists, and pedestrians), about 51% were not wearing a seat belt. This same data demonstrates in the Figure 1 below the direct correlation between seat belt use and injury severity. Unbelted vehicle occupants account for the largest percent of fatalities and serious injuries while belted occupants most commonly receive non-serious or no injuries.

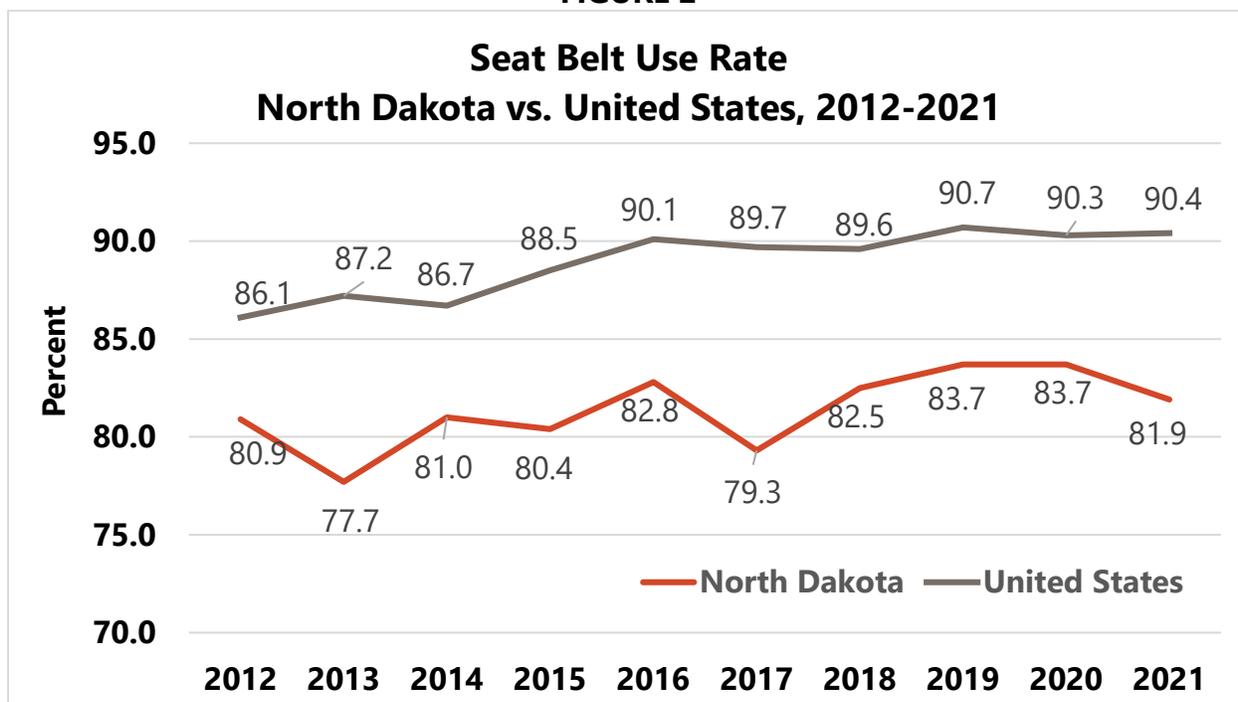
FIGURE 1
Percent of Restraint Use by Injury Classification
North Dakota, 2017-2021



An annual observational seat belt study conducted by North Dakota State University (NDSU) Upper Great Plains Transportation Institute (UGPTI) on behalf of the NDDOT shows North Dakota’s seat belt use rate in 2021 was 81.9% and dropped to 80.6% in 2022. This means that about 18-19%, or about 140,000 to 150,000 North Dakotans, are unbelted and extremely vulnerable to the consequences of a crash. Those who choose not to wear a seat belt contribute to more than half of North Dakota crash fatalities annually.

Also, North Dakota’s observed seat belt use rate has been consistently lower than the national seat belt use rate over the past 10 years (Figure 2). The national seat belt use rate in 2021 was 90.4% while North Dakota’s use rate that same year was 81.9%.

FIGURE 2



A primary seat belt law (PBL) is among the evidence-based strategies identified in the North Dakota *Vision Zero* Plan as a priority strategy for implementation because it will have immediate and significant impact to reduce crash fatalities and serious injuries in North Dakota. Research shows that states that transitioned to a PBL have experienced a 10-12% increase in their observed seat belt use. (Source: National Highway Traffic Safety Administration)

The citizens of North Dakota largely support a PBL. An annual study conducted by NDSU UGPTI on behalf of the NDDOT shows that 6 of 10 North Dakota citizens support a PBL. Fifty-nine percent of respondents to this survey favored a PBL in 2022. (Figure 3)

FIGURE 3

Year	Percent in Favor of a PBL in North Dakota (Strongly Favored + Somewhat Favored)
2018	62%
2019	58%
2020	61%
2021	57%
2022	59%

The work we do at the NDDOT allows us to talk to many people about seat belt use. We know that seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. But all drivers and passengers must wear them for them to be effective.

This concludes my testimony, and I am happy to respond to any questions you may have. Thank you.



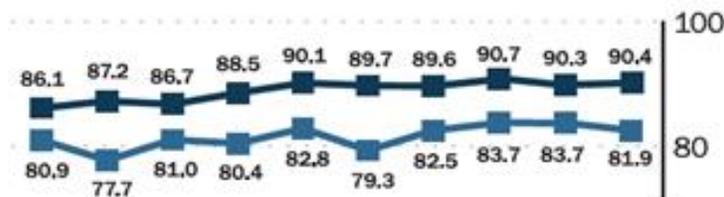
House Transportation Committee
SB 2362
March 9, 2023

Chairman Ruby and Committee Members, I am Courtney Koebele, the Executive Director of the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA supports SB 2362. A Primary Belt Law (PBL) is an evidence-based strategy to move North Dakota toward zero motor vehicle crash deaths. Unfortunately, North Dakota’s seat belt use is below the national average. According to ND Department of Transportation, more people die in motor vehicle crashes in North Dakota from being unbelted than other common contributing crash factors such as drunk driving, distracted driving, or speeding.

North Dakota’s observed seat belt use rate has been consistently lower than the national seat belt use rate over the past 10 years (2012-2021).^{3, 4}

**North Dakota vs. United States
 Seat Belt Use Rate, 2012-2021^{3, 4}**



This bill will help North Dakotans. Research shows that states that transitioned to a PBL have experienced up to a 10-12 percent increase in their observed seat belt use. (NHTSA)

From a medical standpoint, unbelted crash victims have expensive medical bills:

- Unbelted crash victims have medical bills 50% higher than belted crash victims. (Source: National Highway Traffic Safety Administration)
- Data from 16 of 42 North Dakota hospitals shows that costs related to unbelted motor vehicle crash injuries were more than \$206.6 million over a three-year period (2019-2021).

Costs	2019	2020	2021
Inpatient Costs	\$43,895,360.53	\$47,400,848.34	\$51,258,474.73
Outpatient Costs	\$20,617,207.33	\$19,833,256.06	\$23,594,689.69
Total Costs	\$64,512,567.86	\$67,234,104.40	\$74,853,164.42

This bill does not infringe on an individual’s liberty any more than other traffic laws. The “personal choice” not to use a seat belt comes at a cost to all North Dakota taxpayers. The public pays the cost for emergency response, medical assistance, increased insurance premiums and unemployment compensation.

This bill will save lives. We urge a DO PASS on SB 2362.

Thank you for the opportunity to testify today.

My name is Sgt. Keenan Zundel with the Cass County Sheriff's Office. I am sending this testimony in support of SB 2362. I currently am one of the Patrol Sergeants for Cass County and have been supervising on Patrol since 2015. I am a certified Drug Recognition Expert and sit on the DRE Advisory Board as well as the Vision Zero Stakeholder Board. I have been serving as a Deputy Sheriff since 2005, where I have dedicated the majority of my career to traffic safety and have become subject matter expert in traffic safety and impaired driving. I have stopped thousands of vehicles, responded to countless fatal crashes, and have been on scenes that you would have to see firsthand to understand the horror.

Through my professional experience, the one single thing an individual can do to increase the survivability of a crash is wear their seatbelt. I have seen many crashes that I assumed were fatal, however the use of a seatbelt saved the occupants' lives. I have also been to crashes that had no physical damage to the vehicle, however the unrestrained driver was killed due to being ejected and rolled on by the vehicle. I could discuss and reiterate the facts and statistics showing the importance of seatbelt use, that I am sure are being testified to by the primary seatbelt advocates. These numbers, most times, are just numbers on paper to most people. There is no backstory and there is no real connection to the situation. I instead am going to discuss some of my experiences of seatbelt use, not only in my professional experience as a Deputy Sheriff, but also as a North Dakota citizen from small town USA.

I want to talk about is the toll this job has taken on me. As I have said before, I have been a Deputy Sheriff since 2005, the vast majority of that time was spent on Patrol. I have seen fatal crash after fatal crash. I have been involved in death notifications of families. I have pulled bodies off the highway. I have had to pick up brain matter of children ejected and killed from a vehicle rolling on them. I have seen and done things that I hope nobody in this room will ever have to do. If we allow people to make the choice if they want to use a seatbelt or not, more people will be killed in motor vehicle crashes. Period. Deputies and Officers like me, volunteer fire, first responders, and EMS will have to respond to that scene on these crashes. Sometimes, the victims of these crashes are our family members. Sometimes they are our friends. Sometimes they are our neighbors and coworkers. This will be something that we all will have to live and deal with for our entire lives. So I ask, please take the time to consider the toll that these "victimless" situations take on our cops, EMS, and first responders.

I have two personal experiences that I think are important to the group regarding seatbelt use, both of which are prior to my law enforcement career and both of which have probably shaped me to make traffic safety my focus in law enforcement.

October of 2001, I was driving home after hanging out with a friend. I decided to take the gravel backroads that would have saved me 2 miles had I made the trip home safely. I never made it home this night. I was paying more attention to the music playing on my radio than the road or the speeds I was traveling. At one time I saw my speeds around 80 miles per hour on this gravel road. Out of nowhere, the road had a 90 degree turn. I had minimal time to react and all I could do skid off the roadway like a loose cannonball. I went airborne and cartwheeled my car end-over-end. I remember the smell of the powder when my airbag deployed. I remember how loud the banging crashes were as I rolled end-over-end. I remember looking up and seeing the ground through my shattered windshield and my dim headlights illuminating the front of my vehicle. I remember wondering if I had put my seatbelt on as at that time, it was only about a 60% occurrence at this stage of my life. Luckily for me I had.

I got out of my vehicle, which was totally unrecognizable. The entire front and rear of the vehicle was totally destroyed. I walked away from the crash feeling pretty sore, but was able to walk to the next farmstead for help. I later found out I had a compression fracture to my back and eventually would face hip and neck issues for the rest of my life, however, I survived relatively unharmed all thanks to the seatbelt.

The Trooper that came to cover my crash and told me that the only thing that saved my life was my seatbelt. Looking at the situation, I completely agree. I, without a doubt, would have been ejected at a high rate of speed and almost certainly would have been crushed by the still rolling vehicle. I almost became a statistic that night. I was almost a “knock on the door by law enforcement” telling parents their son was killed in a car crash.

Fast forward to just over a year to November 5, 2002. My stepbrother was on his way to school. It was one of the first icy frosts of the year. My brother started to drive off the roadway and overcorrected and drifted sideways into the wrong lane due to the icy roads. He was T-boned by oncoming traffic and killed instantly. Every single major organ and vessel in his body exploded according to the coroner’s report. Now I cannot say that he would have survived the crash had he had his seatbelt on, because that is unknown. I can tell you that had he had his seatbelt on, maybe the crush of the T-bone crash wouldn’t have been enough to kill him. I can also tell you that if he was seat belted in place, he wouldn’t have been thrown in the backseat, hitting his head on the rear passenger window frame causing fatal injury to his brain. When my parents identified his body at the morgue, the only injury seen was a cut on his right eyebrow from where he hit his head on the back passenger window frame. This crash left my family a version of the family it was. My stepdad has never recovered and never will. This crash has taken one of the funniest most genuine humans I have met and turned him into an empty shell of a person mourning the loss of his son every single day. This loss will haunt my family forever.

This is a story that I share for the good of the order in hopes to reduce traffic fatalities to zero and to help pass the primary seatbelt law. Very few people that know me have ever heard this story before. It’s something I keep to myself, buried down deep due to the trauma it has caused me still to this day. I hope that this story can prevent one family from suffering the loss my family has suffered.

Through my experience, I have heard a lot of fallacies about seatbelts and have witnessed the reality in actual real-world experiences. These crashes were seen with my own eyes on actual crash scenes, not talked about by a friend of a friend or theorized by people that have no qualification to do so. I can tell you; it is really easy to have an opinion with no facts backing you up when you are sitting at the kitchen table reading the newspaper.

I know one of the big arguments is about seatbelts infringing on personal rights. It is stated that the state shouldn’t tell someone what they can and can’t do. I ask in response, how is this any different than telling a driver they cannot drive while impaired on drugs or alcohol? How is it any different than telling drivers they must limit their speeds on roadways? How is this any different than telling someone that cannot see very well that they cannot drive at night? It frankly is not. Certain laws are put in place to protect citizens not only physically, but also monetarily.

Driving is a privilege, not a right. The costs incurred by allowing people to drive unrestrained cost more to society, families, and taxpayers than anyone can understand. What are you willing to pay as a tax payer? As a family member? If your loved one was going to get into a crash, would you want them to

have the highest chance of survival? How many fatalities are too many? I promise you that if your loved one was killed in a crash, one would be too high.

The fear we all hear about seatbelt use by the opposition is that it only affects the person choosing to not wear their seatbelt. First off, through my experience, anyone not wearing a seatbelt becomes a projectile thrown throughout the vehicle that can kill or injury anyone in the vehicle even if the other passengers are restrained. Secondly, anyone who has made this statement has never lost someone over something as simple as the three seconds to buckle a seatbelt. The loss of a loved one has no monetary price tag and affects everyone that cared about them. I hope that the people that say this never have to experience it firsthand.

A few years back I was dispatched to a crash that ended up being a single car rollover. I was first on scene and had to search for the driver who was ejected. I remember seeing debris all over the roadway and the median. I found an unrecognizable object that turned out to be the victim of the crash who was ejected. I remember thinking to myself that this almost looks like a person, but knew there was no way it could be a person. This was a person and not an object. This victim was ejected so hard, she was unrecognizable to a trained eye looking for a body in the median. Unfortunately, the driver was pregnant and lost the child as a result of the trauma from being ejected from the vehicle. There were a lot of costs in terms of loss and grief and many people's lives were changed forever. Like I said before, there is no way to put a monetary value on this loss and grief this crash caused. The monetary costs were also very high. Not only did the insurance company pay for the medical bills for the surviving mother and damaged property, but due to the severity of the injury, the State of North Dakota will be paying Social Security Disability for the injuries of this woman for the rest of her life.

I have heard people claim they never wear their seatbelts in town or close to home. I personally have been to rollovers where speeders have been driving way too fast on city streets that they caused rollovers in residential 25 miles an hour small town streets. One example of this was a van full of school children that was blocks from school that was hit so hard it caused the van to roll. Had seatbelts not been used, this could have been extremely tragic. Fortunately, everyone was belted in and uninjured.

Some claim that if passed, law enforcement will use the funds from seatbelt violations for a revenue source. The fact of the matter is that the funds from these citations goes into the state fund and are not used by any law enforcement agency. Law enforcement officers aren't asking for this law so they can write tickets or generate revenue but rather so they don't have to "knock on doors" and tell loved ones their family member is dead from what should have been a survivable crash.

As an officer, I am looking to this law as a way of modifying behavior. We know that people living in the border communities such as Fargo and Moorhead have been known to put their seatbelt on when crossing over the river into Minnesota, not because they are likely to get picked up but because they know that it is the law and it could happen.

Again, I have story after story. These are just a few of my experiences that I hope are considered in voting for SB 2362 and why I hope this bill is passed. Thank you for your time.

Sgt. Keenan Zundel



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY



savir
Society for Advancement of
Violence and Injury Research

March 8, 2023

The Honorable Dan Ruby, Chair
The Honorable Jim Grueneich, Vice Chair
House Transportation Committee
North Dakota Legislative Assembly
600 East Boulevard Avenue
Bismarck, North Dakota 58505

Dear Chair Ruby and Vice Chair Grueneich:

As representatives of leading public health and safety organizations working to pass highway and auto safety laws that prevent deaths and injuries and contain crash costs we urge you to support Senate Bill (SB) 2362, to establish a primary enforcement all-occupant seat belt law in North Dakota. This upgrade to the state's current seat belt requirement is a timely improvement, supported by research and experience to be a proven lifesaver.

In the first nine months of 2022 alone, there were 80 motor vehicle crash-related fatalities in North Dakota.ⁱ Data from the National Highway Traffic Safety Administration (NHTSA) reveal that in 2020, more than 69 percent of people killed in passenger vehicle crashes in North Dakota, when restraint use was known, were not restrained at the time of the crash.ⁱⁱ The financial impact of these crashes is significant as well. In 2019, the total cost of motor vehicle crashes in North Dakota was \$735 million or \$965 per resident.ⁱⁱⁱ Enacting a primary enforcement all-occupant seat belt law is a crucial step towards decreasing crash-related deaths and associated costs in the state.

The benefits of wearing a seat belt are well documented. From 1975 to 2017, use of seat belts saved more than 374,000 lives^{iv} and upwards of \$1 trillion in economic costs.^v In frontal crashes, wearing a lap and shoulder belt reduces the risk of occupant death by 50 percent.^{vi} In fatal crashes in 2020, 82 percent of passenger vehicle occupants who were totally ejected from a vehicle were killed. Wearing a seat belt substantially reduces the risk of ejection. In 2020, only one percent of occupants reported to have been using restraints were totally ejected from a vehicle.^{vii} Seat belt use also curbs medical care costs. Unbelted crash victims have medical bills that are 55 percent higher than belted victims, and society bears a majority of the cost through increased insurance premiums, taxes and health care costs.^{viii}

It is imperative that all occupants in a motor vehicle – not just front seat passengers – wear a properly fitting seat belt. Rear seat passengers are more than twice as likely to die in a crash if they are unbelted, and unbelted rear seat passengers pose serious threats to drivers and other vehicle occupants.^{ix} When rear seat passengers are not restrained, they can be thrust at high speeds into the driver or other passengers, resulting in loss of control of a vehicle. The chance of death for a belted driver seated directly in front of an unrestrained passenger in a serious head-on crash is more than double than if seated in front of a restrained passenger.^x

Upgrading North Dakota's law to primary enforcement simplifies enforcement by allowing law enforcement officers to enforce the seat belt law without first needing to observe an additional violation. Seat belt use is higher in states with primary enforcement laws compared to those with secondary enforcement laws or no seat belt use law. Some states have experienced a 10 to 15 percent increase in seat belt use rates when primary laws were enacted.^{xi} Currently, only 83.7 percent of front seat

passengers in North Dakota use restraints during the day, significantly lower than the national average of 97 percent.^{xii} A study conducted by the Insurance Institute for Highway Safety (IIHS) found that when states strengthen their laws from secondary to primary enforcement, driver death rates decline by an estimated seven percent.^{xiii}

A comprehensive seat belt law is vital to overcome the public health epidemic of traffic fatalities and injuries and to ensure the health and safety of North Dakota families and visitors who travel on state roads. Advancing SB 2362 will help to meet this goal.

Sincerely,

Chuck Clairmont, Executive Director
North Dakota Safety Council

Lorraine Martin, CEO
National Safety Council

Catherine Chase, President
Advocates for Highway and Auto Safety

Stephen Hargarten, MD, MPH, Founding
President
Society for the Advancement of Violence and
Injury Research

Janette Fennell, Founder and President
Kids and Car Safety

ⁱ Early Estimate of Motor Vehicle Traffic Fatalities for the First 9 Months (January–September) of 2022, National Highway Traffic Safety Coalition (NHTSA), available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813406>

ⁱⁱ Traffic Safety Facts North Dakota 2016-2020, NHTSA, available at <https://cdan.nhtsa.gov/stsi.htm#>

ⁱⁱⁱ The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Dec. 2022, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>

^{iv} Traffic Safety Facts 2020: A Compilation of Motor Vehicle Crash Data, NHTSA, Oct. 2022, DOT HS 813 375, available at https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813375_10

^v The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013.

^{vi} Lives Saved by Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012, Passenger Cars and LTVs, With Reviews of FMVSS and the Effectiveness Of Their Associated Safety Technologies in Reducing Fatalities, Injuries, and Crashes, NHTSA, Jan. 2015, DOT HS 812 069, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812069.pdf>

^{vii} Traffic Safety Facts: 2020 Data, Occupant Protection in Passenger Vehicles, NHTSA, Oct. 2022, DOT HS 813 326, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813326>

^{viii} Crash Outcome Data Evaluation System (CODES) Project Seat Belt and Helmet Analysis, Research Note (Revised), National Center for Statistics and Analysis, NHTSA, Feb. 1996

^{ix} Rear Seat Belt Use: Little Change in Four years, Much More to Do, Governors Highway Safety Association, Nov. 2019, available at <https://www.ghsa.org/resources/RearBeltReport>

^x Mayrose, James, Influence of the Unbelted Rear-seat Passenger on Driver Mortality: “The Backseat Bullet,” June 2008, available at <https://onlinelibrary.wiley.com/doi/10.1111/j.1553-2712.2005.tb00850.x>.

^{xi} The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised), NHTSA, May 2015 (Revised), DOT HS 812 013.

^{xii} Traffic Safety Facts North Dakota 2016-2020, NHTSA, available at <https://cdan.nhtsa.gov/stsi.htm#>

^{xiii} Farmer, Charles and Williams, Allen, Effect on Fatality Risk of Changing from Secondary to Primary Seat Belt Enforcement, Insurance Institute for Highway Safety (IIHS), 2005, available at <https://www.iihs.org/topics/bibliography/ref/1807>

My name is Lydia Gessele and I reside, on the land, in District 14. I would like to make my voice heard against SB 2362. Relating to safety belt usage; to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary enforcement of safety belt requirements; and to provide a penalty. I understand that seatbelts save lives, but you keep overstepping your bounds when you take more and more measures to take freedom away from the people. I oppose SB 2362. Thank you for your time.

SB2362
House Transportation Committee
March 9th, 2023

My name is Amy Kempfer- I am a writing to you today as an individual and constituent of District 16. I am a volunteer EMT, a volunteer Sheriff Reserve deputy, and a chiropractor.

I am asking you for a "YES" on SB2362 surrounding primary seatbelt legislation.

I would be lying if I said I didn't fear that this is one of those bills where our elected officials are going to land where they land based on personal opinion regardless of facts, data, objective information, pleas from those who have been affected by this personally or the experts in their field that work with it day in and day out. The Senate committee meeting had 25 people testify in favor and no testimony in opposition. Your constituents want Primary Seatbelt Legislation- roughly 60% of North Dakotans polled want this legislation in place.

The most common argument seems to be one of infringing on personal freedoms. Quite frankly, as a taxpayer, from my perspective- you are imposing on *my rights by not requiring* this. After all, society is the one who ultimately absorbs much of the cost of an unbelted crash victim. In the US, those who are not directly involved in the crash pay for nearly three quarters of all crash costs. Costs to ND hospitals related to unbelted motor vehicle crash injuries were more than \$206.6 million over the three-year period from 2019-2021.

Consider the rest of the people involved in a motor vehicle crash- *what about their rights?* There is an undeniable negative impact that a traffic fatality death has on the passengers involved in any vehicle crash- even if they weren't at fault. *What about the rights of our first responders, many of which are volunteers in rural communities?* Seeing ejected passengers causes an immense amount of secondary trauma for everyone involved. No one wants to search for an ejected passenger in the ditch. No one wants to do death notifications. The reality is, we are in a time where we cannot staff our volunteer ambulances, our jails, our hospitals, or county and city law enforcement patrol and investigative divisions that we rely on. For many, the stress and trauma of the job has just gotten to be too much, and they have left. From my perspective, we have a responsibility to them to do everything we can to support them.

We have entire chapters of NDCC dedicated to limiting "personal freedoms" to maintain safety on the roadway. I am unsure how Primary Seatbelt Legislation imposes on personal freedoms on the road in ways that are different from speed limits, DUI laws, distracted driving laws, turn signal requirements, headlight requirements, etc.

There are immeasurable cost savings for the system as a whole. For example, consider someone pulled over for DUI only versus DUI plus vehicular manslaughter due to an ejected passenger (which, is a frequent situation in these incidents)- what would the cost of even 1-2 cases a year be on not housing an inmate for that upgraded charge? I believe the cost in our county is about \$85 a day per inmate. How about the person who survives a crash without a seatbelt but is severely disabled and requires assistance financially via Social Security or Medicaid? How expensive is it per child if a parent has passed?

The reality is that 80MPH will likely pass this session- those 5MPH have the potential to create more traffic safety deaths at an exponential rate. Passing Primary Seatbelt Legislation is a good faith buffer. I think it also insulates our state from potential future federal funding losses for not having this legislation in place.

As a chiropractor, I work often with people who survived crashes that they shouldn't have simply because they wore their seatbelt. I understand there is always the rouge story of someone who would have died if their seatbelt would have been on, and if that is factually true, it would most certainly be the extremely rare exception and not the rule. I often think of the impact these people make in our communities every day- and the immeasurable loss our community would absorb if they hadn't worn their seatbelt and weren't here.

This is one of those rare bills that has the promise of being extraordinarily impactful and cost effective. When I say cost effective, let me emphasize, it is free. SB2362 will save lives. There is a mountain of data to prove it. A Primary Belt Law is an evidence-based strategy to move North Dakota toward the established goals of zero motor vehicle crash deaths as not wearing a seatbelt is the number one contributing factor in motor vehicle crash deaths in North Dakota.

I will leave you with one of my favorite quotes:

"A fact is information minus emotion. An opinion is information plus experience. Ignorance is opinion lacking information."

I implore you to base your decisions on the objective facts and the informed opinions of those who work with this day in and day out. After all, this is the most promising way to avoid ignorance.

Thank you so much for your time and service to ND,
Amy Kempfer

My name is Cole Just. I am an 8th grade student at LaMoure High School. I recently passed my permit test so I now have the privilege of being a new driver in North Dakota. I'm also a member of the LaMoure School Vision Zero student leadership team.

I want to tell you a little bit more about myself. On the football field, I wear a football helmet. When I hunt, I wear blaze orange. On the farm, I wear a dust mask when going into a grain bin. When I ride my dirt bike, I wear a helmet. When I'm in a car, I wear my seatbelt.

Why do I do these things related to safety? I want to grow up and become the 4th generation to farm and ranch near Berlin.

When I turn 18, I still plan to wear my football helmet while playing football. When I turn 18, I still plan wear blaze orange. When I turn 18, I still plan to wear a dust mask when going into a grain bin. When I turn 18, I still plan to wear a helmet when I'm riding my dirt bike. When I turn 18, I still plan to buckle up as a driver or passenger.

Why will I keep doing these safety things? Because I know these things will help keep me safe and alive.

Right now, North Dakota law allows for primary enforcement of restraint use for minors under the age of 18. We have data to prove the fact that minors are buckling up in our state! Why not make it primary enforcement so everyone continues to buckle up even after they turn 18?! We know the more people that buckle up, the more lives that will be saved.

I might just be 14 years old, but I am old enough to realize that the decision for you to wear your seatbelt doesn't just affect YOU.

If you decide not to wear your seatbelt and you're thrown from your vehicle during a crash... the chances of being killed are 4 times greater and your death doesn't just affect you and your family. It can affect me and my family too. Your decision NOT to buckle up can affect every EMS provider – like my mom who you heard talk earlier, every firefighter, and every law enforcement responding to that scene. They have to go home after seeing the worst of the worst and pretend nothing happened and can't talk to us about it. Trust me, I've seen this firsthand - that's not easy for them to do.

Also....if you choose not to wear your seatbelt, you are a danger to others if you're all involved in a crash. Unbuckled passengers can become a projectile and increase the risk of hurting or killing others in the vehicle by 40%.

I'm just a kid and I'll admit that I don't know it all - but you can trust me on this. Senate Bill 2362 will help save lives in North Dakota.

Thank you for your time.

GM Testimony on SB 2362

Good morning Chairman Ruby and members of the committee. My name is Shane Goettle, and I am here today on behalf of General Motors. I would like to offer support for SB 2362, the Primary Seat Belt bill.

General Motors has a strong commitment to safety that reaches all parts of the company, impacting everything from the development of our vehicles to the work behaviors of our employees. Ultimately, the safety of our customers and employees takes precedence over everything else.

GM's CEO, Mary Barra, has outlined the company's vision of a world with zero crashes, zero emissions and zero congestion. We are working on the technologies that will create this future, blending global insights with local market expertise as the automotive industry transforms from traditional manufacturing to transportation services. Safety, however, remains at the core of this vision.

It is for this reason that we support efforts for a primary seat belt enforcement law in North Dakota. The seat belt is the primary safety device in a motor vehicle. It protects both the driver and passengers in the event of a collision. While we continue to develop advanced driver assist technologies to keep our customers safe, the seat belt remains the most effective tool in preventing injuries and saving lives in the event of an accident.

While we respect the opinions of those who may consider the use of a seat belt an infringement that should be a personal choice – we believe there is too much at stake to not recognize the importance of using the primary safety device installed in each vehicle.

Mr. Chairman and members of the committee, thank you for your time and consideration of this very important legislation.

3/3/2023

Senators,

My name is Dr. Benjamin Axtman and I am a double-board certified Trauma and Critical Care surgeon practicing at Sanford Medical Center in Bismarck. **I am writing today to ask for your support of SB 2362.**

While many claim that this bill is about personal freedom and the right of adults to make their own decisions, I would boldly declare that it is not. The decision to not wear a seatbelt impacts many others. It includes the first responders that respond to the horrific crashes in which occupants have been ejected or injured in a crash. It impacts the families and loved ones that are impacted by a death or injury that could have been prevented. It impacts the healthcare systems with are often left with unpaid medical bills from those impacted in a crash who are uninsured or underinsured. It impacts the state taxpayers when they are left holding the costs of those that end up on disability or other support systems.

As a medical provider, I know many of the injuries I treat could have been prevented with the use of a seatbelt. Motor vehicles are now crafted with many safety features that are designed to protect the occupants so long as they stay in their seating position within the car. Based on the data that I have seen from the state, 62% of the fatalities on our North Dakota roadways were to unbuckled occupants. With our seatbelt usage at one of the lowest in the country, it is time to change that statistic.

It is time to set good policy within our state. Thirty-four other states have passed this legislation and they saw a 10-12% increase in seatbelt usage – even without law enforcement. Given that the North Dakota House just passed a bill that would increase the speed limits on interstates to 80 mph, if passed, it would be critical that we also have a primary seatbelt law to increase our seatbelt usage. Speed and unbelted passengers make up a large percentage of the deaths on our roadways. This statistic could be improved by employing policies that protect our citizens

Let's pass this bill, protect the people of our state, prevent needless injuries and deaths and send a message that tells people of our state that seatbelts are important!

I hope you will support SB 2362 with a DO PASS vote!!

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Axtman', written over a horizontal line.

Benjamin Axtman, MD FACS

Testimony - Senate Bill 2362

House Transportation Committee

Thursday – March 9, 2023

Safe Kids Grand Forks / Carma Hanson

Mr. Chairman, members of the Committee, my name is Carma Hanson. I am a registered nurse and the Coordinator of Safe Kids Grand Forks, an injury prevention coalition that covers northeast North Dakota and northwest Minnesota. I am also a certified child passenger safety technician (car seat expert) and have spent much of my career implementing effective strategies that prevent unintentional injuries and deaths, particularly in children.

Over the years, I have been a part of the statewide group of experts that gather routinely to create the North Dakota Vision Zero Plan. This plan is required by the Federal Highway Administration (FHWA) and is spearheaded by the North Dakota Department of Transportation. It includes members from several state agencies who are charged with making our North Dakota roadways safer, decreasing traffic injuries and fatalities, and reducing costs to taxpayers. When our team gathers, we create a plan hoping to mirror the evidence-based outcomes proven successful in other states – **things that we know work.**

Today, you have assembled in this room, the foremost experts in our state on injury prevention, roadway safety and traffic issues. As those experts writing the above noted plans and testifying today, we come before you to kindly ask for your help and partnership in our work. The policy / law that we are asking to change is not one that we “think might work” or “let’s give it a try and see what happens” type. It is proven effective and has shown to increase seatbelt usage in other states that have enacted a primary law. On average, those states have seen an increase in seat belt usage of 10-12%, even without law enforcement writing tickets. That is what I call a great success rate.

I would like to share more about the work of injury prevention. In our field, we know that effective injury prevention strategies focus on what we call the “E’s of injury prevention, including engineering, education, EMS and enactment/enforcement. Let me break those down as it relates to motor vehicle crashes, injuries and fatalities:

- **Engineering:** The engineering component to injury prevention can take on several aspects including changing our roadways to minimize traffic crashes (some of these things might include improved lighting, rumble strips, chevron markings at curves, turn lanes off of major roadways and the list goes on).

This also includes putting features into vehicles that make them safer. I would challenge you that over the years, features have been added to your vehicles that provide personal comfort or conveniences such as heated or airconditioned seats, blue tooth technology, auto starts, lumbar adjust, dual temp controls, DVD screens for watching movies in our rear headrests and the list goes on.

Just as technology has been added for comfort and convenience, it has also been added for safety. Here are a few examples of things that are becoming standard on vehicles to assist with safety: auto adjusting headlights, back-up cameras, frontal collision avoidance systems, lane departure warning systems and airbags in various styles that include frontal, curtain, side impact airbags, knee, and even inflatable seatbelts.

There are many new and exciting safety features on the horizon. I recently took part in a national presentation that spoke to the autonomy levels in vehicles, with a scale being Level 0 (no driving automation) – Level 5 or fully automated, where the person in the driver's seat is essentially a full-on passenger in a driverless car. While a vehicle such as this is coming to our society, we currently are operating most vehicles somewhere between 0 and 3. The features that are being added to vehicles include things such as automatic emergency braking, forward collision warning systems, blind spot warning systems, rear cross traffic assist, lane departure warning, lane keeping assist and adaptive cruise control to name a few.

These technologies are exciting for those in the injury prevention arena as they will prevent crashes and ultimately injuries and deaths. However, for these types of systems to be effective, the driver and other occupants need to stay within the vehicle that has been safely designed to protect them. If the seatbelts are not used, these safety features are minimized or eliminated completely.

Whether we are talking about vehicle engineering or roadway engineering, folks in this line of work in our country and our state have been doing their job and keeping up with the needs of injury prevention from an engineering perspective. **They are doing their job to make a difference in traffic injuries and fatalities!!!**

- **Education:** While the injury prevention aspect of education is fairly straightforward, I want to highlight how people in our state working on this aspect have been carrying out their role. Marketing personnel and other experts have conducted classes, created public service announcements and billboard ads, participated in radio and television interviews, hosted educational booths at county fairs, school events and community events. We have printed stories in newspapers and newsletters and have crafted social media messages aimed at providing education. We have traveled across the state, hit the airwaves, taught large group classes or 1:1 education to get the messaging out about car seats and seat belts saving lives. **We are doing our part to make a difference in our state's traffic injuries and fatalities!!**
- **Emergency Medical Services (EMS):** Today you will hear from first responders who will talk about their role in preventing deaths once a crash has occurred. They train with their volunteer ambulance squads, they hold fundraisers to purchase the equipment they need for their rigs, they practice with mock crashes so they get it right when their pager goes off and they have to respond.

During testimony provided in past years, we heard from folks in some of our rural ambulance squads that are made up of generous and passionate volunteers who run their operations. These folks spoke of how they have lost team members or others have decided not to pursue volunteering, because they have witnessed horrific situations that could have been avoided. In a state with a workforce shortage, we cannot stand for teams losing members for reasons such as this, especially in rural areas where getting people to a trauma center is often the difference between life and death. As you will see in our state's crash data involving fatalities and serious injuries, 77% of crashes are occurring on our rural roadways, oftentimes miles away from an ambulance service and clearly a distance from a trauma center.

Our state's EMS and first responders are some of the best that there is. They are working hard, giving up their evenings and weekends to train and take call so when their phone rings or their pagers go off, they are ready to render aid to their neighbors, friends, community members and sometimes family members. **They are most certainly doing their part to make a difference in our traffic injuries and fatalities!!**

- **Enactment/Enforcement:** This is the E of injury prevention where we come before you today to ask for your help. Before I expand on this area as it relates to traffic safety, I want to share a situation I know you are all aware of.

On January 2, 2023, many Americans were watching Monday Night Football when the Bengals and Bills were part way into the first quarter of their game. Buffalo Bills defensive back Damar Hamlin made a tackle on Bengal's wide receiver Tee Higgins. Following the tackle, Damar stood up, took a few steps backwards and fell unresponsive to the ground. Suddenly, all eyes in the stadium and on national television watched a horrific and amazing scene unfold. Damar Hamlin was in cardiac arrest and first responders came to the field and quickly kicked into action. Supplies and equipment were readily available and those involved in his care knew what steps needed to be taken. The hosting team had a myriad of physician specialists on standby and they too, were called into action. As Damar was placed into an on-scene ambulance, that vehicle left the stadium and was escorted by law enforcement to the nearest trauma center where Damar continued to receive care and is alive today because of the actions occurring on the field, enroute to the hospital and at the trauma center.

The event that occurred to Damar Hamlin, was a lethal disruption of heart rhythm that in 9 out of 10 situations, results in death. Why did Damar survive that incident that day? Since this occurrence, there have been copious stories done on that and much of his survival can be attributed to some of the following. . . . not ONE of these E's of injury prevention, but ALL of them being in place and doing their part to increase the likelihood of survival.

- The hosting team having the proper emergency equipment on standby as per the NFL policy requirements and the medical personnel knowing how to use it.
- Trained personnel including team trainers and several medical specialists in the stadium and ready to respond as per a policy requirement of the NFL.
- An ambulance being on standby and equipped with the proper technology, as per a policy requirement of the NFL.
- The game was being played in a community that has a trauma center within the city, also a requirement of the NFL.
- Emergency responders, including the ambulance team and the escorting law enforcement, having practiced their evacuation drill as per a policy of the NFL.

As you can see, all aspects of the E's of injury prevention came into play that day. Had only one "E" carried out their part, the outcome could have been very different, but when executed together, we saw a situation where 9 out of 10 people die from, turn into a heartwarming story of survival.

Let's go back to our traffic safety analogy about the E's of injury prevention and address the fourth E, enactment/enforcement.

In North Dakota, it is a primary enforcement law that children under age 18 must wear their seatbelt or use a proper car seat. Our officers are not out writing copious amounts of child traffic citations and yet our car seat and seat belt usage in those under 18 is significantly higher than for adults. In reviewing state data of crashes for those ages 0-13, only 1.4% of those in that age group involved in a crash were unbuckled. For youth ages 14-17, also in the primary enforcement age, the unbelted rate in crashes was only 3.3%. These numbers are a far cry from the adult unbelted rate in crashes of 51%. Having a primary law for those under age 18 works, even without enforcement, and it will work for adults as well.

Currently, it is a law that front seat occupants are required to wear a seat belt in our state and yet we have said by our secondary enforcement law "that it really isn't all that important". But, it is!! I have a

poignant story from my days as the manager of the Intensive Care Nursery and Pediatric unit at our local hospital. We had a five year old buckled into their car seat directly behind his father, the driver of the vehicle. The car was in a crash and the 280# father was thrown into the backseat. The back of the dad's head hit the forehead of his son, causing a compressed skull fracture. As the son was recovering, we asked the dad about his seatbelt use and he said "he didn't wear it because it wasn't a law in our state". As I and others conduct education around our state, many people are unaware that we have a seatbelt law because they feel as though they can't get stopped, it must not be a law or at least not a very important one. And, as a reminder, our current law does not cover back seat occupants. This legislation would include them in that requirement.

As a team of experts in this field, we have come before you in past years asking, begging, pleading for your help to pass this legislation that we KNOW will make an impact. In fact, in 2021, there were over 30 experts, individuals and organizations representing over 200 stakeholder groups in support of this bill that provided written and oral testimony. That bill (the same one we are presenting here today) passed in the Senate and lost by only 4 votes in the House. During testimony at the committee hearings, there were only 2 or 3 that spoke or provided written testimony against it. This year in the Senate hearings, we again had many, many people speak in support of this bill and NO ONE submitted written or oral testimony in opposition.

From polls taken in our state in each of the past 5 years, between 57-62% of North Dakotans support a primary belt law. This simply says that the majority of people in our state want you to vote in support of this bill. That is why we are back; we know that this is effective, we know that it is a critical E that is lacking in our work, and we know that as folks have taken the time to learn about this bill, it becomes more personal to them - knowing their vote can impact people in their community, their district, their state and maybe even their family.

My background is in nursing and I spent many years of my career as an intensive care nursery nurse. Over the 25 years I was actively working at the bedside, I helped save hundreds of babies. Oftentimes, saving those lives included administering cardio-pulmonary resuscitation with chest compressions, placing a tube into the baby's lungs or a chest tube into their chest cavity. It included providing emergency medications or blood products and a whole myriad of other treatments that took years of training in school and on-the-job. I took saving lives very seriously in the way I was called and tasked with doing that and I am proud of that work.

One legislator that is working to kill this bill told a fellow legislator the other day while trying to convince them to vote against this bill that "we should defeat this bill because it would only save about 7 lives per year". 7 LIVES PER YEAR. This certainly does not take into account all the injuries and disabilities that are caused, but of greater concern is this: Do those lives not matter? Do we not value every life in our state? Are we willing to "sacrifice some" because it is such a major inconvenience and burden to grab a latch plate and click it into the buckle, securing the seatbelt in less than 3 seconds, a device that has been designed to move about with us, giving us essentially the same movement as if we were unrestrained, but making all the difference to hold tight when a crash occurs.

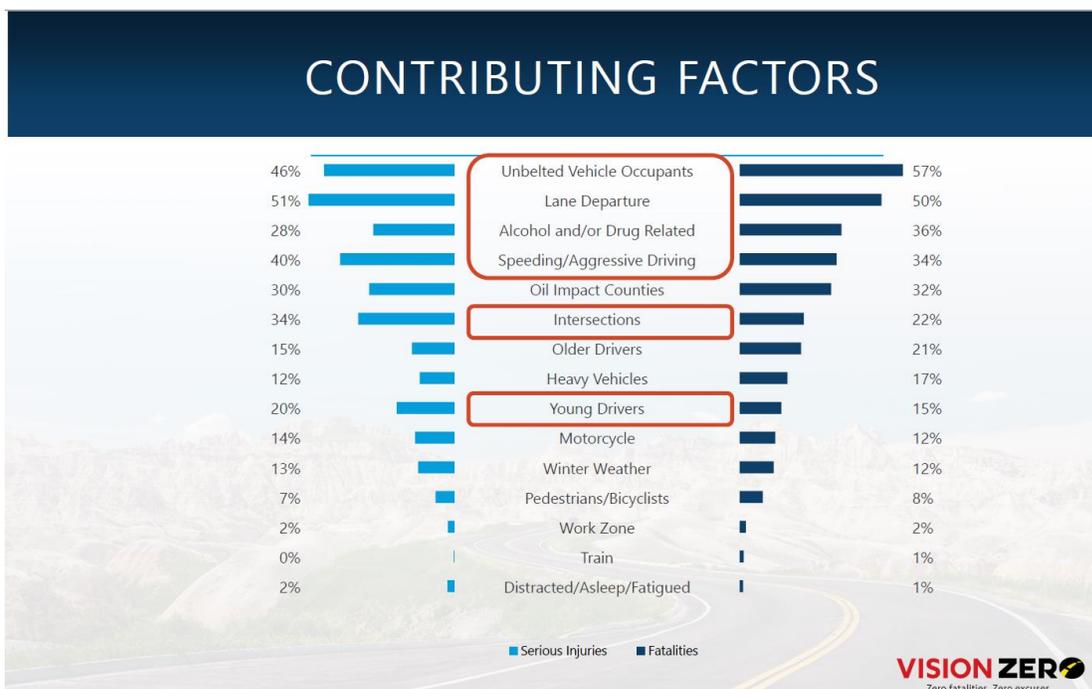
If we hold true to this reasoning, then our engineering teams should cut back their spending on roadway safety features as we most certainly will not spend ourselves out of this situation. Or maybe we should have the many paid and volunteer people cut back on their efforts of conducting education all across our state, spending evenings and weekends at county fairs, high schools, community events, farm shows and the list goes on. Is it okay for them to have the mentality that their work would only affect X'# of people so why do all that work.

As policy makers, as a critical piece of the 4 E's of injury prevention, simply have to press a green button and you too can save lives, prevent injuries and make a positive impact on our state. I will admit, those of us doing this important work can easily grow weary when members of that important injury prevention team (engineering, education, EMS and enactment) don't pull their weight.

Vision Zero is not a campaign slogan; it is a firm belief and a goal that we can get to ZERO if all the E's work in conjunction with each other. With education and the engineering changes coming to vehicles and our roadways, we can drive our numbers down, but we need your help. As someone involved in traffic safety, I am on the email list that receives an update each time there is a fatality in our state. While I am sure that Maria Gokim, the ND Traffic Records Research Analyst, is a delightful woman, I cringe each time I get an email from her. That email represents another life (or sometimes more than one life) lost on our roadways. To some, they may look at those as data points or numbers to simply analyze for a required report. To those in this industry and to each of you, I hope you will look at those reports that contain a description of the vehicle, the roadway conditions, the number of people involved, whether seat belts were used or not, and the outcome of the crash as loved ones, as people that matter, as neighbors, co-workers, church members at your congregation. . . . as lives that matter.

To those that still claim that wearing a seat belt should be a personal choice and government shouldn't have the right to tell me what to do, I would say that we don't have that philosophy in many other areas of policy where the state provides regulations. While I am not here to debate those bills, I find it interesting that the House passed a bill that would ban certain books from our state's libraries so even adults don't have access to them in those locations. To me, we could equate this is "taking away a personal freedom" and yet this body has found that to be acceptable. Again, I am not voicing support or opposition for the bill, but simply pointing out the irony in the tolerance, or lack thereof, to set policy decisions that may "infringe upon one's rights".

I would like to point out that the North Dakota House has also recently passed a bill that would allow 80 mph speeds on our interstates (something that would cost money to implement as opposed to the primary seatbelt bill that costs zero and will save millions of dollars). Speed and unbelted occupants are two of the leading causes of death and injury on our roadways (see the chart below). Voting to pass an increased speed bill without accompanying seat belt legislation is a recipe for disaster.



As lawmakers, your role is to create good policy and you have done that for the unborn, kids, youth and for adults in other areas. We are asking you to do it for motor vehicle crashes as well – the number one cause of injury and death in our state for those under age 35 or over half our population. This law is not a solution looking for a problem. We have a problem of unbelted fatalities and injuries in our state and we also know the proven effective solution.

Those that oppose seat belt use often say that “it only affects me if I decide to not wear a belt”. That answer is selfish and untrue. As tax paying citizens, we all bear the cost of those decisions in tax money. I also urge you to listen to our first responders and law enforcement officers who speak of the horrific impact it has on them to respond to the scene of a crash with people injured and killed. I will allow those wearing the uniform to speak to that personally, but I challenge you that “it only affects me” could not be further from the truth if you listen to their real-life stories.

Our team of experts can’t do this alone. We need the fourth E of our injury prevention strategies – enactment of policy/enforcement, to do their part to make a difference. I would dare say that there has not been strong policy in this arena and we hope we can count on your support to change that.

From a fiscal standpoint, this law will save money for our state and it WILL COST NOTHING to implement. There are few laws that can make that claim. You have heard testimony about the costs that we, as tax paying citizens, are burdened with because of people’s decision to not buckle up. Those who choose to not buckle up are costing people like you and me money. The cost of a \$20 ticket should an unbelted violator be cited, is a small price to pay for the lives and money saved by this bill.

If this legislation were about writing tickets, you would have seen the fine increased in the bill. It is not!! It is about driving seatbelt usage up by the 10-12% points that we know occurs when state’s pass a primary belt law. There are 34 states in the US that have a primary belt law and analysis of their seat belt usage proves that this is an effective strategy.

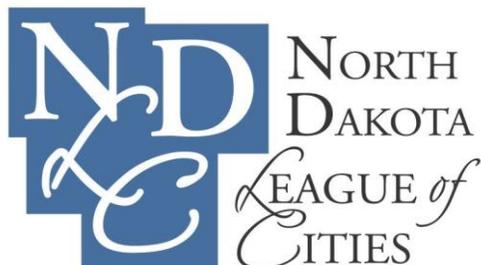
When our neighbor state of Minnesota passed this law in 2009, they saw an immediate and positive impact. Over a 4-year period following the passage of their primary law, their seat belt usage went from 86% to 95%. Their unbelted fatal crashes dropped from 46% to 30% and they saved 132 lives on their roadways and saw their severe injury rate drop by 434 cases. These results ultimately saved their state \$67 million in medical costs during that time period. Living in Grand Forks and with that being a border community to Minnesota, I often hear people say, “I buckle up when I cross the bridge into Minnesota” or “I set my cruise control when I get into that state because I don’t want to get caught”. Legislation works at changing our culture and our behaviors.

As noted, our seatbelt usage in North Dakota ranges between 81-84%, placing our ranking in the country in the lower tier of seat belt usage with a national average ranging from 92-94%. We all know what it takes to get to ZERO. We are doing our part in three of the E’s of injury prevention and we are asking for your support in the policy arena. As many as 61% of North Dakotas favor a primary belt law and we are asking for your support of SB 2362 to provide that provision in our state law.

I thank you for allowing me to testify today in support of SB 2362.

Contact information:

Carma Hanson, MS, RN
Coordinator – Safe Kids Grand Forks
701.739.1591
chanson@altru.org



March 9, 2023

Re: In Support of SB 2362

Dear Chairman Ruby and members of the House Transportation Committee:

The North Dakota League of Cities requests your support of SB 2362.

Research has shown that the number one factor in motor vehicle crash deaths in North Dakota is not wearing a seatbelt. The League of Cities believes that passing SB 2362 will result in more individuals wearing their seatbelts; thus, reducing deaths that occur because of motor vehicle crashes. SB 2362 is a short bill that could have a big impact positive impact on the residents of North Dakota by reducing the number of individuals who die in motor vehicle crashes in North Dakota.

The North Dakota League of Cities respectfully requests a “Do Pass” recommendation on SB 2362.

Sincerely,

Stephanie Dassinger Engebretson
Deputy Director and Staff Attorney

Good morning, Chairman Ruby and members of the House Transportation Committee. I am Dawn Mayer, and I am the Child Passenger Safety Program Director in the North Dakota Department of Health and Human Services. I am here to provide testimony in support of Senate Bill 2362. As part of my position, I coordinate child passenger safety trainings statewide for professionals and teach occupant protection. Occupant protection refers to safety features designed to protect motor vehicle occupants in a crash.

In my position, I have heard misconceptions about surviving a crash. One of those misconceptions relates to restraint force. Some people think that using their arms to brace themselves or another occupant in the vehicle is an effective means to prevent injury during a crash. The restraint used needs to be strong enough to prevent injury from the forces in a crash. The restraining force is calculated by taking the weight of a person, times the speed of the vehicle in a crash. For example, if a person weighs 150 pounds and is involved in a 30-mph crash, a person would need to be able to restrain about 4,500 pounds of force.ⁱ This provides an important illustration of why seat belts are a critical component of occupant protection, reducing death and serious injuries due to crashes.

In addition to the impact on human life, there is also an economic cost for North Dakotans.

- North Dakota hospitals incurred \$206 million over a three-year period (2019-2021)ⁱⁱ in costs related to unbelted motor vehicle crash injuries. This represents only a portion of total hospital costs due to reporting from only 16 of North Dakota's 42 hospitals.
- Unbelted crash victims have medical bills that are 50% higher than belted crash victimsⁱⁱⁱ.

A primary seat belt law is an evidence-based strategy to help move North Dakota toward zero motor vehicle crash deaths. One death on North Dakota

roads due to not wearing a seat belt is one too many. To prevent death from motor vehicle crashes, everybody needs to wear a seat belt - every trip, every time.

Thank you for allowing me to appear before you today. I would be happy to respond to any questions.

ⁱ Safe Ride 4 Kids

ⁱⁱ NDHHS Data

ⁱⁱⁱ National Highway Traffic Safety Administration

To: North Dakota House – Transportation Committee

From: Travis F. Bateman

Date: February 1, 2023

RE: Testimony IN FAVOR of SB 2362

Good morning, Chairman Ruby and Members of the House Transportation Committee,

My name is Travis Bateman and I am submitting this testimony in favor of Senate Bill 2362.

I am speaking to this issue with the sincerest wish that we will finally stop seeing this subject come before our legislators over and over again when it is such a downright common-sense topic that it is sickening to know how many times it has had to come up in bill form and fail to pass.

This isn't about freedom. Not one bit. This is about saving lives and making the decision for those that otherwise would choose not to fasten their seat belt for a myriad of reasons. I served my country overseas in Iraq twice. I can speak to freedom and how vital it is to us as Americans and North Dakotans. But there is a fine line that needs to be drawn on the issue of people continuously being ever so ignorant as to not take the few seconds it takes to buckle up.

I served in North Dakota law enforcement for ten years. In those ten years, during the height of the latest oil boom for our state, myself and fellow peace officers, firefighters, EMS members, and 911 dispatchers handled more than our fair share of vehicle crashes. Those images, smells, sounds, scenes, locations, and the aftermaths stick with every one of us. They stick with me. It is a cumulative trauma that collects in our minds. And while people will argue that "you signed up for that" I must strongly disagree. We sign up to help our fellow human beings, we sign up to be that source of aid and assistance. We do not sign up to view the poor choices over and over, and over, and relive those scenes.

I have worked crashes where one to three people killed, in part to not wearing their seatbelts. Two triple fatalities in the span of 3 months. The second crash had the passengers been wearing seatbelts, one would not have contacted the driver with such velocity to end his life and the third would not have been violently removed from the vehicle when the doors were sheered off upon impact. And still others, where it is so blatantly obvious given the still structurally intact passenger compartment of a vehicle that a crash was entirely survivable but for the occupant's total disregard to buckle up, resulting in their ejection. And most everyone can understand that it isn't the crash that kills. It's that sudden stop.

This issue is one of the greatest tragic issues in my opinion from my experiences in public safety. To be even having to have this issue still exist in 2023 does not make sense. The statistics are there for everyone to see from the North Dakota Highway Patrol and Vision Zero that we still have far too many motorists on North Dakota roadways that are not applying the simplest life preserving tool. People are also thinking that airbags will save them or keep them inside a vehicle. That is incorrect. Neither of those two devices will work as designed without the other employed. They work in tandem, not individually.

What I can tell you from my experiences is that I was more comfortable arriving to a crash scene with someone screaming in pain or yelling for help than I ever was to pull up to a scene where nothing was moving, vehicles destroyed, debris covering the roadway, and the deafening and haunting silence of a scene where there is no longer someone alive. Or the single vehicle crash in the dark and arriving to a vehicle in the ditch or wherever it came to final rest with nobody in it, and the dreadful scan from my flashlight beam that eventually illuminated a motionless person in a field or crushed under the vehicle having only done so because they left the otherwise safer location inside it because they failed to wear that belt.

There is the argument that people have also died from wearing a seatbelt. Sure. That may be true. Each crash is different and there are certain crashes where there is absolutely nothing that is going to save someone, and it was the day God chose to call them home. But those are extremely rare, and

data shows that people restrained in a vehicle by way of a properly worn seat belt are afforded a much higher chance of survival and less severity of injury.

This issue is also not about law enforcement and issuing citations to garner fines to fill the state's general fund. I know I gave more than my fair share of verbal warnings and educational speeches on the side of the road to people than I ever did to issue a measly twenty dollar fine. Traffic enforcement is first and foremost about traffic safety. It is second or thirdly about criminal interdiction. I can speak for those that I know in law enforcement still that they more so are seeking to stop a vehicle and driver to make contact, check for impairment or indicators of criminal activity than to spend 15-20 minutes on the side of a road just to issue citations.

It is greatly overdue that North Dakota update this traffic law and make mandatory the use of seatbelts by ALL occupants within a motor vehicle and make it a primary offense for law enforcement to make that enforcement contact when they observe that somebody is not properly restrained in a vehicle. Plain and simple.

We must work to reduce the exposure to the traumas of witnessing and working these scenes that are cast upon those of us in public safety. The mental toll is something that I can wholeheartedly tell you doesn't diminish from crash to crash or scene to scene. It is totally cumulative and builds off of the scene before it and before that.

For everyone, from the other motorist that witnesses a crash and instantaneous carnage before their own eyes, to the 911 dispatchers that have to answer that often frantic and chaotic caller that just witnessed or came upon that scene. To the peace officers, firefighters, and emergency medical teams that drop everything to get to that call, only to arrive and it be all in vain, and work that scene and then those that have to go and make that death notification to a family member or next of kin, this bill is a step in the right direction to reduce the number of this sequence of events and the negative impacts to so many individuals.

This is no longer, and in my opinion, has never been about personal freedoms. If this is about personal freedoms, then let's lift all the other traffic laws and just let natural selection take over. Take down all the traffic regulation signs and just let mayhem and chaos ensue.

In conclusion, I speak to you today and ask that this committee recommend a DO PASS for Senate Bill 2362. It is beyond time for this to happen in North Dakota. Please do so for those in our communities that just simply can't get there in their minds for whatever reason they need to have that seatbelt on. Help ensure that they are the vehicle pulling into the driveway when their family is awaiting their arrival and not a police vehicle with a law enforcement officer stepping out to deliver a message that activates heart wrenching agony and mourning.

I thank you for your time, your desire to serve the citizens of North Dakota, and I stand for any questions that you may have of me.

Thank you,

Travis F. Bateman

Watford City, North Dakota

Attachments:

This is a crash I worked as a peace officer several years ago. In the crash, the vehicle left the roadway above after it lost control and rolled into the canyon below. As you can see, the cab and passenger compartment remains intact and completely survivable. This crash was fatal simply because the driver and single occupant failed to wear his seatbelt. He was ejected as the truck rolled and it came to rest on top of him.



March 8, 2023

North Dakota House Transportation Committee &
House Members

Re: Support of Senate Bill 2362

My name is Amy Covington and I am from Grand Forks. I have worked in healthcare for many years and am also a Certified Child Passenger Safety Technician and Instructor. I work with parents and grandparents often, showing them how to properly use their car or booster seats. I have presented in schools, teaching students about the importance of buckling up in their vehicles. I am often asked by those students, and sometimes adults, why it is not a law for adults to also be required to buckle up.

While I understand that wearing a seatbelt for front seat occupants IS the law in North Dakota, it is currently a secondary enforcement. This causes confusion for people who often think that "it isn't a law at all". Updating our North Dakota seatbelt law to a primary one would help eliminate that confusion and place emphasis on the importance of buckling up. I also know that having a primary law has led to a 10-12% increase in seat belt usage in other states that have passed a bill such as this. With our North Dakota seat belt usage very low (80-84%), we need effective policy in place to see that increase to closer to the national average of 90-94%. This bill would do just that and I hope you will support it.

Adding that back seat passengers are also required to wear their seatbelt (as per the proposed legislation) is also a critical update that is needed. Those occupants are just as much at risk as others in the vehicle and often times if unbuckled, can crash into and kill or injury other occupants. Given that frontal crashes are the most common, those in the back seat are inclined to end up being projected into the front seat.

Our law in North Dakota is in dire need of updating and I hope you will support Senate Bill 2362.

Amy Covington, CCPST-I

Grand Forks, ND

701.527.3260

North Dakota House Transportation Committee and House Members,

My name is Jessica Gonitzke and I currently live in Fargo, North Dakota. I went to the University of North Dakota and have my Master's in Public Health Education and Policy. I am not only a public health professional but also a mother who knows how important it is to not only keep my children safe when driving in the car but also myself and the adults around me. That means buckling up every time we drive no matter how far we are going. Being in a few crashes myself I know how important that wearing the seatbelt was to help prevent injury but also potentially death.

As you can probably tell from my statements above I'm urging you to vote DO PASS on Senate Bill 2362 to help keep all North Dakotans safe when driving out on the roads. Even if it can save the life of one person who would have not chosen to buckle up before it is worth it.

Thanks for your time and consideration,

Jessica Gonitzke

68th Legislative Assembly Testimony in Support of

Senate Bill No. 2362

House Transportation Committee

March 9, 2023

Chairman Ruby and members of the House Transportation Committee, my name is Austin Atkinson, and I am a resident of Thompson, ND. I am asking you to vote YES on SB 2362. This bill costs North Dakota nothing, but will save our taxpayer dollars to go to use in more effective ways rather than on preventable deaths! Each of those deaths are family members, friends and often fellow North Dakotans.

Please vote DO PASS on SB 2362.

Thank you,

Austin Atkinson

To: ND Legislatures

Please support this bill to increase seat belt usage within the State. As a first responder for 27 years in the State of ND it saddens me when I hear of those that parish due to the lack of seat belt usage. Seatbelts have been proven to save lives and this legislation will allow us to change behavior and save even more lives.

Thank you for your time and consideration on this matter. Please support SB 2362.

Chief Kelli Kronschnabel

Dear ND House Transportation Committee and House Members,

I am writing in support of Senate Bill 2362. I was born and raised in ND. I have been a Registered Nurse for 24 years with the past 18 years directly involved with trauma patients.

Over the past 18 years of my career, I've seen countless injuries and deaths related to motor vehicle crashes. I've cared for patients with devastating injuries after being ejected from a vehicle. I've comforted and consoled families who have lost a loved one in a crash and I've witnessed people walk out of the emergency department unscathed after a horrific crash, because they were wearing their seat belt. I am passionate about trauma nursing, and part of that passion involves educating the public on how to keep themselves safe because NOONE is immune from trauma. I truly believe that more lives would be saved and injuries prevented if everybody who was travelling in a car wore their seatbelt.

I urge you to please vote to pass SB 2362. I believe that this could be a hugely effective step toward preventing more tragedies on North Dakota roadways.

Thank you for your time,

A handwritten signature in cursive script that reads "Amy Eberle, RN".

Amy Eberle, BSN RN TCRN
Trauma Program Manager
Sanford Health Bismarck

Senate Bill 2362

Brandon Eberhardt
Brandonebs60@gmail.com
Grand Forks, ND 58201

House Transportation Committee and House Members,

My name is Brandon Eberhardt and I am a Grand Forks Resident. I am also a Police Officer with the City of Grand Forks. I have been with the Grand Forks Police Department for 15 years. I am also a child passenger safety technician. I would ask for your support of Senate bill, 2362 as it comes before you for a vote. I am not asking for this legislation so that we (law enforcement) can write more tickets. I am asking for this legislation because I genuinely care about the safety of the citizens of the community I serve. I have personally seen common sense laws for child passenger safety cause a clear change in behavior. Passing this law WILL result in a change in behavior in the motoring public and it WILL result in more lives saved.

Warm regards,

Brandon Eberhardt
Training Sergeant
Grand Forks Police Department

Jon Lampi

In Regards to Senate Bill 2362

03-09-23

To whom it may concern,

My name is Jon Lampi and I am a law enforcement officer in the City of Grand Forks. While working in the field of law enforcement and while assisting Safe Kids of Grand Forks, ND I have seen what the impact of wearing your seat belt can do to save lives. I am in support of SB 2362 and its purpose to help save lives by making seatbelt use a primary law.

Respectfully,

Jon Lampi

Thompson, ND

Testimony in Support of Senate Bill 2362
House Transportation Committee
March 9, 2023

Mr. Chairman, Members of the Committee. My name is Carol Meidinger. I am retired from the ND Department of Health where I served as the Director of the Injury Prevention Program for many years. I was involved in the original passage, referral and initiated measure related to North Dakota's safety belt law. Every session when this bill is brought before your committee, I listen to the testimony from both sides and am astonished at the misinformation that is presented to the committee from those in opposition. **Here are the facts:**

- A **primary enforcement** seat belt was passed in 1989. The seat belt law was referred to the voters and placed on a December 5 special election ballot. Seven other measures were also on the ballot, including allowing legislators to participate in PERS, electronic video gaming, comprehensive school health and multiple tax increases. The voters were in an ugly mood and every measure was rejected. To my knowledge, since 1989, many of these same issues have come before the Legislature and have been approved. So the fact that it was voted down 34 years ago should NOT be a consideration! I have heard testimony that North Dakotans have voted down the primary seat belt law over and over. A primary law has been on the ballot once.
- In 1993, the ND Legislature passed the seat belt law with a secondary provision. Opponents again gathered signatures to refer the law to a vote. In June 1994, the law was approved on a vote of 51.9 percent for and 48.1 percent opposed.
- Opponents then decided to use the initiated measure process to place the law on another ballot. In November 1994, the law was upheld with 56.4 percent voting to keep it.

I am no longer involved in occupant protection issues, but as a taxpaying citizen, I believe it's time to put this issue to rest. There is no valid reason for not changing this law to allow for primary enforcement, to align with other traffic safety laws. It amazes me that state agencies, law enforcement, health and medical personnel and other safety advocates have to come to the Legislature every session to beg for something they know will improve the health and safety of their constituents. It's time!

House Transportation Committee and House Members

My name is David Kurtz and I reside in Grand Forks. I have been in law enforcement for 10 plus years, and also Chief of Police for the City of Thompson.

I have been a part of creating solid policy measures that are proven effective and make a difference. As a law enforcement officer, I would ask for your support of Senate Bill 2362 as it comes before you for a vote. I'm not asking for this legislation so that we write more tickets, but because we know it will cause a behavior change, leading to a decrease in fatalities and injuries on our roadways. Again, I thank you for your support of Senate Bill 2362.

David Kurtz

House Transportation Committee and House Members,

My name is Danny Weigel and I reside in Grand Forks. I have had the opportunity to serve the wonderful residents of Ward 1 on the Grand Forks City Council for the past 6 years. This has provided me the opportunity to engage residents and create important policy decisions for my community.

I would ask for your support on Senate Bill 2362 as it comes before you for a vote. I am not asking for this bill so that law enforcement issues more citations, but I believe that it will make our traveling motorist safer on our roadways and will also decrease the number of fatalities throughout our wonderful state.

Thank you for your service to the State of North Dakota and for your support of Senate Bill 2362.

Sincerely,

Danny Weigel
Grand Forks City Council

GRAND FORKS COUNTY SHERIFF'S OFFICE

122 S 5TH ST, SUITE 210

GRAND FORKS, NORTH DAKOTA 58201-4632

SHERIFFS.OFFICE@GFCOUNTY.ORG

PHONE: 701-780-8280

FAX: 701-780-8307



SHERIFF ANDY SCHNEIDER

To: Transportation Committee Members
 From: Sheriff Andy Schneider
 Date: March 9th, 2023
 RE: SB 2362

Dear Transportation Committee members,

My name is Andy Schneider, and I have the privilege of being the Sheriff of Grand Forks County. I come before you today to give testimony regarding why I am in favor of SB 2362, personally and professionally.

- By simply encouraging personal safety with a yes vote, you can have the most significant financial impact this session with a fiscal note of zero dollars. This is not about writing tickets.
- No driver is immune from being involved in a crash, nor can they completely control avoiding crashes.
- Persons' choices to not buckle up do not affect only that individual and their loved ones. I am well aware that those who do not want to buckle up will continue to not buckle up. This legislation is not going to change their minds. They typically aren't following other laws you have created either.
- Personal and professional experiences responding to crashes where persons were and were not buckled impact myself and others. I cannot un-see things. This bill will help reduce the amount of calls that cops, EMT's, firefighters, families, and innocent bystanders become part of where they wish they never had to see 'those things'.
- Emotional impact on emergency responders is very real and it is becoming very expensive. Paying to have officers evaluated for their mental wellness prior to returning to work is a real expense to taxpayers. More dead bodies equals more psych exams.
- Financial impact on agencies for days off for responding officers (recovery from critical incidents).
- Temporary impact on staffing for all first responders and all directly associated with victim.
- Implementation of new equipment and traffic violation laws has not resulted in exponential growth in citations for that offense, nor a significant reduction in deaths.
- Agency has daily operations, which do not allow constant enforcement of all traffic laws, or even a few for most instances.
- All involved with this process have done what has been repeatedly asked by the legislature session after session. I respectfully request for the elected leaders to listen to all the experts and provide the missing link, a primary seat belt requirement. Cars are designed to stay inside during a crash, not to be thrown out of.
- Buckle up, it will save your life someday. If not for you, do it for your family, your loved ones, for first responders, and for those innocent people utilizing the same roadways that never dreamed in a million years that they would see somebody dead on a roadway, but now will have those images engrained into their minds the rest of their lives.

I sincerely thank you for your time and consideration today. I am available at any time of day or night to further discuss this important bill with any and all of you.

Andy Schneider
Sheriff
Grand Forks County
701-741-2269
Andrew.schneider@gfcounty.org

House Transportation

March 9, 2023

House Transportation Committee,

Please DO PASS SB 2362:

It is a bill to benefit safety and health costs for all.

Thank you Sincerely,

Dave Carlsrud, Mayor

Valley City, ND

**Highway Department**

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

To: North Dakota House Transportation Committee
From: Leah Kelm
Date: March 8, 2023
RE: Testimony IN FAVOR of SB 2362

North Dakota House Transportation Committee,

During the past 10 months, I have spent over 2000 hours educating literally thousands of North Dakotans. The other three Vision Zero Coordinators throughout the state have done the same. We often work nights, weekends, and over 40 hours each week in our salaried positions, not just because it is our job, but because it is our passion to provide traffic safety education throughout our regions. We are not alone in this outreach; Our EMS, law enforcement, public health, and many others are also educating on the importance of seat belts. However, we need **YOUR** help. Education is just one piece of the puzzle when it comes to saving lives from motor vehicle fatalities. By simply changing the current law from secondary to primary enforcement, we will have an immediate and significant impact on reducing motor vehicle crash deaths and serious injuries on our roads.

Throughout the state, we present to everyone from North Dakota's kindergarteners to senior citizens. Whether you are 5 or 95 years old, the one piece of education that is universal to every age is to click that seat belt and buckle up. Crashes do not discriminate. Not wearing a seat belt in a motor vehicle can be lethal to anyone.

The other three Vision Zero Coordinators and myself hear it all the time – "I was in a crash, and the only reason I am here today is because I was buckled up." and "I lost someone I know because they chose not to wear to seat belt." or "I responded to a crash and had to walk through the median searching for an ejected body."

Based upon community efforts, I know North Dakotans want this law updated. The other three Vision Zero Coordinators and I are the ones out in our rural and urban communities in every county in our state, and seat belts are always a topic that come up.

Again, I cannot stress it enough – we **NEED** your help. Education is a key component, but without policy change, we can only do so much.

I sincerely appreciate your consideration of a "Do Pass" committee recommendation for **SB 2362**. Please let me know if you have any questions regarding my testimony or if you are interested in discussing the importance of a primary seat belt law further. Thank you for your service to the citizens of North Dakota.

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

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

Please vote yes on SB2362 Although the vast majority of people in North Dakota buckle up, there are still some who refuse or forget. Nearly half of people who die in crashes are not belted. Belt laws increase belt use, especially with publicized enforcement.

March 9, 2023

Dear Chairman Ruby and members of the House Transportation Committee,

My name is Jennifer Braun, and I am a Certified Child Passenger Safety Instructor in Dickinson, North Dakota. I have been a certified Child Passenger Safety Technician since 2012, and an Instructor since 2021.

I wanted to write and share that I am in support of SB 2362 regarding the primary seatbelt law, and I urge you all to do the same. To prevent one North Dakota resident from dying in a motor vehicle crash by wearing a seat belt is important and necessary!

I respectfully request a "Do Pass" recommendation on SB 2362.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Braun".

Jennifer Braun, CPSTI

Dickinson, ND

March 9, 2023

To: ND State Legislature- 68th Legislative Session

From: Chet Paschke

Re: Yes vote/support for SB 2362- Seat belts

To Whom it may concern

I'm a retired law enforcement officer. From my years of experience, investigating many auto accidents, I believe in the need for seat belts and the need for law(s) in enforcing seat usage. I urge your support of SB 2362 with a YES vote.

Thank you

Sincerely,



Chet Paschke

Retired Police Chief (Grand Forks, ND Police Department)



House Transportation Committee

IN SUPPORT- SB 2362

March 9, 2023

Pete Kuhn, ND Driver's Safety State Coordinator

Grand Forks, ND

Chairman Ruby and members of the House Transportation Committee, my name is Pete Kuhn and I am the North Dakota Driver's Safety State Coordinator. I appreciate your time today.

Before I get into our support for this bill, I'd like to spend just a moment reminding you who we are and why we are here. AARP is a nonpartisan, nonprofit, nationwide organization with nearly 38 million members. 83,000 of those members live in North Dakota – a staggering number when you consider the overall population of our state.

As some of you know, AARP also has volunteers who teach AARP Smart Driver Courses across the country and a number here in North Dakota aimed at helping older drivers stay safe on the road. According to the National Safety Council, seat belts save lives. They are the single most effective traffic safety device to prevent death and injury in a motor vehicle crash. That's why one of the important parts of that course is the section on safety. The first point on safety is devoted to safety belts and the importance of wearing them every time, no matter the distance. SB 2362 works toward decreasing motor vehicle crash deaths in North Dakota and research shows other states that have implemented such a law have seen crash deaths decrease.

A lot of issues touch older Americans and their ability to live safe, independent and healthy lives. Most of our work fits into three areas; helping people choose where they live, remain financially secure and access affordable health care.

I spent 35 years as an insurance adjuster, 33 of them investigating vehicle accidents. I have actually helped walk a field at 3 AM to help locate bodies from an intersection accident where one vehicle rolled and the occupants who were not wearing seat belts and were ejected. The following is a couple of the more extreme situations.

Around 1990 there was a 2 vehicle, residential intersection accident in Grand Forks. A south bound work van and a west bound car. Both were traveling around 15 to 20 miles per hour and hit right front to left front. The van driver was not wearing a seat belt. The driver side door opened in the impact and the driver started falling out. At that point, the two vehicles slid together and the van driver was crushed and died at the scene. The car driver, wearing a seat belt, wasn't even hurt.

In 2001, there was a collision on highway # 2 at the intersection with highway 18, by Larimore. The driver of a large farm truck, going North on Highway 18, failed to see a west bound Chevy Suburban with 3 men in it, approaching from the East at approximately 65 miles per hour. The truck driver slowed as though he was going to stop but then accelerated to cross the West bound lanes. The driver of the Chevy applied the brakes but could not avoid the accident. Both the driver and the front seat passenger in the Chevy were wearing seat belts and the passenger in the rear seat was not. The Chevy was badly damaged and when you looked at it, it was hard to believe that anybody in the front seat could have survived. However, with air bags and seat belts in use, both men in the front seat had minor injuries, were treated and released within a couple of hours. The passenger, not wearing a seat belt was pronounced dead at the scene.

In extreme situations such as two vehicles going 70 miles an hour hit head on, probably only God can save them. However, the great majority of accidents are survivable with the use of seat belts. This is especially true of one vehicle, rollover accidents where people not wearing a seat belt are ejected.

Please help save lives by making people use their seat belts by supporting SB 2362. Thank you!

March 9, 2023

Dear North Dakota House Transportation Committee and House Members:

I am strongly urging a DO PASS vote on Senate Bill 2362.

I am a Registered Nurse that has worked in public health and have been involved with injury prevention for over 16 years. I became a child passenger safety technician as a young nurse to help save the lives of children and I quickly discovered that in order to save the lives of children I needed to be able to reach the adults that cared for these children. I have seen evidence on how an effective primary seat belt law has helped to increase compliance of seat belt use, and decreases injuries and deaths.

I am a resident of Grand Fork, ND and I am also a mother of 4 children myself. My oldest is 16 and a newly license driver and wears his seat belt every time he gets in the car. My youngest is 7 and buckles herself in her car seat every time we get in the car. They do this because I wear my seat belt every time I get in the car. Children need role models to show them how to make good choices. A primary seat belt law for adults could make a huge difference.

I would encourage you to support senate bill 2362 as it comes before you in the North Dakota House of Representatives.

Thank you for your time and consideration.

Amy Fiala, MS, RN



68th Legislative Assembly
Testimony in Support of
Senate Bill No. 2362
House Transportation Committee
March 9, 2023

TESTIMONY OF

Colonel Brandon Solberg, Superintendent

Good afternoon Chairman Ruby and members of the House Transportation Committee. My name is Brandon Solberg, and I serve as the superintendent of the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2362.

As a law enforcement agency, it might seem obvious that the highway patrol would support primary enforcement for seatbelt violations, but I want to be clear about why our agency supports this bill. The purpose of primary enforcement is not so that law enforcement officers can issue more citations but rather so that seatbelt compliance rates will increase. The hope is that our state's law will send a clear message to drivers and vehicle occupants that seatbelt use is an expectation in North Dakota, and this change could ultimately reduce the number of seatbelt violations.

One could argue that younger generations have been raised to wear their seatbelts so primary enforcement will become a non-issue at some point, but that's not always the case. In fact, a 23-year-old female passenger was just killed in a crash last Sunday after being ejected from a vehicle that rolled.

The reason our agency is so supportive is because we investigate these severe crashes. The highway patrol investigates approximately 80% of all serious injury and fatality crashes. Our troopers know firsthand that the difference between a crash involving serious or fatal injuries versus a crash involving minor or no injuries often comes down to the proper use of seatbelts.

Every few days I get an e-mail notifying me of another fatality crash in North Dakota. They're happening every 3-5 days on average, and one common theme is a lack of seatbelt use (60% in 2020, 46% in 2021, and 68% in 2022). Although seatbelts can't prevent all injuries due to the severity of some crashes, they would certainly help with many crashes including common single vehicle rollovers where an occupant is ejected and killed.

Vehicle safety technology has certainly helped save lives. New vehicles have airbags coming from all directions, but they're designed to work with an occupant who is properly buckled and remains in their seat.

Someone once told me that it doesn't work to regulate behavior, but the fact is that we're a society based on law and order. We must all follow rules and regulations at the local, state, and federal level. One of those laws in North Dakota requires the use of seatbelts so this bill doesn't create a new law but rather changes the type of enforcement allowed. The questions are (1) if law enforcement officers should be able to stop someone for a seatbelt violation in and of itself and (2) if it's important for every occupant to buckle up.

In North Dakota Century Code Title 39, there are only two laws that are essentially secondary enforcement. The first was created during the 2017 legislative session related to committing a traffic violation while distracted, and the second is seatbelt use. Even as secondary enforcement, the highway patrol takes the enforcement of seatbelt use seriously. In 2022 the highway patrol issued 4,639 citations for this violation.

I know that personal choice is a common topic, and I want to clarify that this bill doesn't take away personal choice. Someone can choose to speed or run a red light even though it's against the law, but there are consequences if you get stopped or cause a crash. We could jump in a patrol vehicle right now, and if we decided to stop every violation we observed, it might take a while to get out of town. In the case of seatbelts, the consequence is \$20, and this bill doesn't change that low dollar amount. Any revenue generated by traffic fines set in state statute goes to the common schools trust fund (ND Constitution Article IX, Section 2).

I was asked who is responsible for an unbuckled occupant, and I refer to NDCC 39-21-41.4 which clearly states the driver is responsible. The driver can be viewed as the captain of the ship who is responsible for all occupants. If a front seat passenger is not properly buckled, the driver would be cited.

The final message I'd like to share is related to the impact of a traffic fatality. I've heard some say that choosing not to wear a seatbelt and getting killed only impacts that one individual, but that's a pretty narrow view of the true impact. I've personally experienced the secondary trauma of handling the death of a complete stranger who was killed in a vehicle crash, and I've witnessed the impact to other law enforcement officers, firefighters, and EMS personnel. Traffic fatalities are sudden and unexpected events so the impact to family, friends, and others such as first responders can be substantial.

As first responders our mission is to preserve human life so we strongly encourage the use of seatbelts, and we're asking you as our state's lawmakers to send a clear message of support to help bolster the use of seatbelts in North Dakota. The highway patrol would continue to assist through our education and enforcement efforts.

This concludes my testimony, and I will stand for any questions.

I am writing in support of Bill #2362 giving North Dakota a primary seatbelt law.

The number one reason to pass this bill however is real simple it works.

I was visiting family a few years ago in Iowa, we were all in a van heading out for the evening. I didn't realize no had their seatbelts on. Then we crossed this invisible state line into Illinois and the family from Iowa told everyone better put your seatbelts on so we don't get pulled over. On the way home that night it was the same way once we crossed back into Iowa I witnessed them taking their seatbelts off because it was no longer the law to wear them.

I was shocked to see that having a primary seatbelt law really made this much of a difference in peoples decision making. Yes we as North Dakotans like to make decisions for ourselves but I would hate for one more child to loose a parent over something as simple and not choosing to wear a seatbelt on their next trip home from a sporting event or grocery run.

Please vote yes on bill #2362 today and lets saves lives.

Senate Bill 2362 - Primary Seatbelt
House of Representatives
March 7, 2023
Written by: Gus Jensen, Flasher High School

House Transportation Committee,

My name is Gus Jensen and I am a Junior at Flasher High School. I am a Vision Zero Student leader and also a Racecar driver. I abide by both the rules on public roads and the rules on the tracks that I go to.

As a student in High School that has gone through the process of getting my permit and my driver's license, I've learned a lot about the laws that we have here in the state of North Dakota.

I understand that there is a different set of laws when it comes to seatbelts, depending on your age. As a 17 year old I am required to buckle up whether I am riding in the front seat or back seat, and can be pulled over for not wearing a seatbelt. But, as soon as I am 18 - the law changes. My question is why?

In my age group there were over 10-thousand teenagers involved in crashes from 2017-2021. Only 3 percent were not wearing seatbelts. I know teens wear seatbelts because it keeps them safe, and because there is a law. Why are adults different?

I believe that it would be best to combine these laws and have everyone in the car to be buckled up. It will be safer for every driver, passenger, and even pedestrians. There has been research that shows that if both drivers 17 and under, and 18 and older wear their seatbelts and everyone in the vehicle is buckled as well, it would save lives. The truth is, some people need a law to make that happen.

This is not meant for law enforcement to be able to pull more people over, but for the safety of you and others on the road. I always remind myself and others to buckle up because I know how important seatbelts are.

During the summer I am especially mindful of wearing my seatbelt. This is because race season is in full swing and wearing all of my safety gear is very important. In my race car wearing safety gear such as my helmet, 5-point harness, arm-restraints, and fire resistant suit are mandatory and I could get into a lot of trouble if I was caught not wearing it.

I have been in 2 roll-over crashes in my racecar and my 5-point harness and arm-restraints saved me from being seriously injured. The only damage that I sustained was a few bruises and the wind knocked out of me.

I know that my fellow competitors and my friends and family were very appreciative of the seatbelt I was wearing. There are many crashes in racing and nobody really gets hurt in crashes because they know that wearing seatbelts are key to being safe when out on the track. Seatbelts should be the key to being safe when on the road as well. Please make everyone in the vehicle buckle up.

Please support Senate Bill 2362. I am now open to any questions that you may have

-Gus Jensen
Flasher High School

March 8, 2023

TO: ND House Transportation Committee and House Members

Dear Sirs and Ma'ams,

In regards to Senate Bill 2362, please give a DO PASS for the safety of both adults and children in cars as well as all backseat occupants. Adults need to set the example for our children. I have 5 granddaughters total and I want ALL their families riding safe as possible.

Margaret E. Littlefield RN, BSN

Safe Kids Child Passenger Safety Tech

BEULAH POLICE DEPARTMENT

Box 1209

Beulah, North Dakota 58523

Telephone: 701-873-5252 . Fax: 701-873-7766

DATE: March 8, 2023

TO: Chairman and Transportation Committee Members

FROM: Chief Frank A. Senn,
Beulah Police Department

SUBJECT: SB2362

Mr. Chairman and members of the Transportation Committee, My name is Frank Senn, I am currently the Chief of Police for the Beulah Police Department. I have been in Law Enforcement for approximately 28 years. I have been employed with the Beulah Police Department for approximately 23 years. I have been an Emergency Medical Technician (EMT) for approximately 15 years. I current work part time with two separate Ambulance Services, Killdeer Area Ambulance and Mercer County Ambulance.

To start...SB2362 is not a Law Enforcement Bill. Law Enforcement supports this because it addresses a key issue, SAFETY. SB 2362 changes enforcement from secondary to primary, Changes the requirement for seat belt use from front seat occupants to All occupant with the fine for a violation remaining at \$20.

What makes this a great bill: SAFETY. More people die in motor vehicle crashes in ND from being unbelted than other common contributing crash factors such as drunk driving, distracted driving, or speeding. Over the past 5 years (2017-2021), 522 people died on ND roads. Of those people killed in car crashes where seat belts apply (excluding motorcycles, bicyclists and pedestrians) 51% were not wearing a seat belt. These people lost were Dads, Moms, Sons, Daughters, Grandparents, Grandchildren. People we LOVE.

Unbelted motor vehicle crash deaths are preventable. According to NTHSA seat belts reduce the risk of death and serious injury by 45 to 50 percent.

There are some misconceptions about the enforcement of this bill. Yes, an officer can pull a vehicle over if there is CLEAR evidence of the occupants not wearing a seatbelt, however this is more difficult than it many would think. With current laws allowing for tinted window (50% driver compartment windows and 100% rear passenger compartment windows), vehicle mechanics (seatbelts built into the seat) and Law Enforcement needing ascertain evidence with vehicles in motion, there are more complications of just pulling vehicles over to pull them over.

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I have been witnessed to the senseless loss of life from unrestrained occupants of a motor vehicle. One specific accident has set the course of my career. As a 17 years old high school graduate, I lost my best friend to a motor vehicle accident. On a late spring night, my best friend set into motion a number of events that would cost him his life and affect me for the rest of mine. A simple act, "Putting on his seatbelt". My best friend was found on the passenger side floor board after his vehicle struck a culvert and caught fire. My best friend had died. An end to a Father's legacy. A Mothers aspiration. A Friends admiration.

In Law Enforcement and Emergency Services, I often say I can fix a lot of things. I can educate, I can counsel, I can advocate, but I can't fix death. As much as I can try. I just can't fix death. I have been witnessed to colleagues leaving the two industries I Love because of senseless motor vehicle accidents where people have lost their lives or their futures because of serious injuries.

Please Recommend a DO PASS for SB2362.

Sincerely,

A handwritten signature in black ink, appearing to read 'FAS', written over a horizontal line.

Chief Frank A. Senn

Beulah Police Department



March 9, 2023

House Transportation Committee
Chairman Dan Ruby
Senate Bill 2362

Chairman Ruby and members of the Committee my name is Amanda Remyse, and I am representing the North Dakota Motor Carriers Association (NDMCA). NDMCA supports SB 2362.

NDMCA's mission statement is *"To Promote Highway Safety, Deliver Services and Provide Representation for Our Members"*. NDMCA members put safety first through improved driver training, investment in advanced safety technologies, and active participation in industry safety initiatives at the local, state and national levels.

The trucking industry is critical in transporting freight nationally and internationally. North Dakota trucking companies transport over 37,000 tons of freight per day. Currently, the Federal Motor Carrier Safety Regulations require commercial motor vehicle drivers to wear safety belts. Although this bill would not directly affect the trucking industry, safety of all users on our roads is a top priority for NDMCA.

NDMCA's Board of Directors approved policy statements includes support of a primary safety belt law. NDMCA asks for a do pass recommendation from this Committee on SB 2362.



North Dakota Association for Justice
 Jaclyn Hall, Executive Director
 PO Box 365
 Mandan, ND 58554
 jaclyn@ndaj.org

SB2362 ~ House Transportation

Chairman Ruby and members of the House Transportation Committee, my name is Jaci Hall and I am the Executive Director of the North Dakota Association for Justice. I am here to oppose SB 2362 as written and request an amendment to clarify the language to support victims in motor vehicle crashes.

I am not going to dispute all of the testimony that was given prior to mine on the use of safety belts or whether or not one should wear one. I am here to discuss an unintended consequence of this legislation if it is passed the way it is written.

For many years, legislation has circulated related to the usage for or against safety belts. SB2362 will accomplish two things:

1. Require ALL occupants to wear a safety belt. This is a change from just the front passengers. This requirement is for all vehicles up to an 11-passenger van.
2. Move the violation from a secondary to a primary offense. The change will allow patrol officers to pull over a driver when their safety belt is not on, rather than cite a driver as an additional offense when another law is broken.

What previous testimony has not addressed is the potential legal consequences to a driver as a result of SB2362. By requiring all occupants to wear a safety belt, the legislature is creating a legal standard. When an operator or occupant of a motor vehicle does not meet that standard, there is a potential for an assignment of fault

Let me give you a couple of examples:

1. You and your spouse are on your way home from a long weekend with your family. You have a toddler in the backseat who is starting to get cranky after being in the car for a long time. So, you pull over and your

spouse gets into the backseat to tend to the toddler. Your spouse decides that the toddler needs something from the diaper bag in the third row. They unbuckle their safety belt and reach back to the third row to the diaper bag. As they are doing that, you are hit by a drunk driver. Your spouse and child are killed in the accident.

You sue the driver to cover the injuries you received and to support the wrongful death of your spouse and child. When determining damages, the judge interprets the word "violation" in SB2362 as an adjudication, and you do not receive the full amount awarded because you are partially liable since your spouse was not wearing a safety belt. You are partially at fault because you did not follow state law, increasing your negligence.

2. You are driving a group of adults home from an event. Unbeknownst to you, an occupant in the back seat is not buckled in. Your car is hit by a driver who ran a red light. The occupant in the back seat of the vehicle is ejected from the car and suffers serious injuries.

The ejected occupant files suit to cover the injuries sustained. The driver of the other vehicle will argue that the crash did not cause the injuries. Instead, the argument will be that the injuries resulted from a failure to wear a safety belt, and that this failure can be attributed to both the back seat occupant and the driver. So, you, the driver, caused the injuries. If SB2362 is passed as written, there is a good chance the driver will be found partially liable for the injuries to the back seat occupant.

Second, if the back seat occupant is ejected in an accident and is seriously injured or killed, the current version of SB2362 only makes "the fact of a violation of this section" inadmissible. However, the reality is that in cases involving severe injury or death, in the experience of our members, law enforcement rarely will charge an occupant with a violation of this kind of crime. This only makes sense – so what is the point? It is very possible that a judge could interpret the word "violation" to mean an adjudication. The amendment we would like to propose makes the fact law enforcement does not charge the occupant clear.

The last thing I want to tell a grieving family or an injured driver is that they are at fault when they are a victim. Today, I ask you to support the following amendment to make it clear and support victims of automobile crashes.

Use or non use of a seat belt shall not be used in any action as evidence of fault. A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section. The use or non use of a safety belt is not admissible in any proceedings other than one charging the violation."

The clarity comes with replacing 'A violation for not' with 'The use or non use of a safety belt.'

The last two lines in SB2362 should address these issues and remove any negligence for failure to wear a safety belt. However, these lines have been interpreted differently by the court and whether or not a safety belt is worn does determine fault of the driver in an accident.

If SB2362 passes as written, failure to wear a seatbelt will become a component of EVERY crash. That is not the intent of the legislation. By amending SB2362, the interpretation of the statute will protect the driver if their occupants do not wear their safety belt and they are involved in a crash.

Whether or not you support wearing a seatbelt is not our concern. However, if SB2362 passes without the amendment, it could be detrimental to you or someone in your family if they are in an accident.

Thank you for giving me the opportunity to present, I will stand for any questions.

Chairman Ruby,
Committee Members,

I'm Tom Wheeler from rural Ray, ND.

I am here to ask you to leave seatbelt law as a secondary offense.

When I left my farm NW of Ray to come to Capital, my seatbelt was buckled up for the entire 208 miles. Must stay safe with all the traffic and the crazy drivers. No doubt about it, I feel safer with my seatbelt fastened.

You've heard it said that if North Dakota seatbelt law is changed to a primary offense traffic fatalities will drop. That is true if everyone buckles up. However not everyone will wear their seatbelts. Call them stubborn or ornery or bullheaded but I have three friends that refuse to buckle up. They are not stupid.

A \$20 fine will not get them to buckle up. Or \$50 or \$100. A \$200 fine might persuade one but the other two never. Ten lashes with a leather whip would probably get them to reconsider.

How are law enforcement officers going to catch those that are unbuckled? Meeting on a four lane highway and observing an oncoming vehicle with an unbuckled occupant? While riding with others I have tried to see those oncoming drivers belted or not belted. I don't have great eyesight but impossible for me. The younger eyes of a trooper might have a better chance but they are driving and would have to take their eyes off the road.

Over 30 years ago my bride and I were on highway two in Larimore area heading east. She was driving I was sleeping. I was awakened by Oh no. We had met a Highway Patrol trooper and he had turned around and his lights were flashing. I looked around and we were the most likely suspects.

As he approached her open window he leaned down, pointed at me and said "I want to see your drivers License". He said "When I met you the driver had a red shirt. Now the red shirt is over there. You two switched. Of course I argued with him but I did give him my license so he could check to find there was no reason for us to switch, my driving record was clear.

When he brought our licenses back he had a speeding ticket for my wife. I told him again we had not switched. He believed what he thought he saw but he was wrong.

I envision drivers seeing a Highway Patrol check point ahead and struggling to get the seatbelt fastened while driving to avoid a \$20 fine.

Lots of disagreements coming with primary seatbelt offense. Was the seatbelt really not buckled?

Our farm is two miles NW of Ray. When I drive into grocery store or post office in Ray I don't buckle up. When I drive to fields NW of our farm on township and county roads I don't buckle up.. Call it stubborn or ornery or just lazy. But I don't feel unsafe. I don't feel at risk.

We all have different levels of aversion to risk. No way would I ever consider driving a motorcycle. Motorcycle drivers are not even required to wear a helmet. But by all the motorcycles on the roads

many people don't agree with me. That's their choice. I'm not going to force my view of motorcycles on them.

We should always try to get to Zero traffic fatalities on North Dakota roads. But with the speed limits we have now I don't believe zero is attainable. I feel speed limits would have to be less than 30 mph to get close to zero traffic fatalities. Wouldn't want to be the one bringing that law forward.

Higher seatbelt usage will happen all by itself. It will take some time though. Our two sons are 30 and 28 years old. They have been raised with child car seats and buckling up. Buckling up is automatic for them. From birth all children must be in a child car seat. They are trained from day one. Seatbelts were first required in automobiles in 1966. Those of my age were never trained for seatbelts. We were adults when the shoulder strap was added to the seatbelt.

But as us stubborn or ornery or bullheaded or lazy guys die off the seatbelt usage percentage will continue to rise. Attrition will bring the percentage up.

Lets not follow Minnesota. Let's do the same as South Dakota and Montana, leave the law as it is, secondary offense.

Vote Do Not pass on 2362