

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

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

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

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

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