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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.

July 30, 1993