

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

February 21, 2002

1:15 p.m.

MEMBERS PRESENT

Representative Vic Kohring, Chair
Representative Beverly Masek, Vice Chair
Representative Scott Ogan
Representative Drew Scalzi
Representative Peggy Wilson
Representative Mary Kapsner
Representative Albert Kookesh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 397

"An Act exempting a person driving a snowmobile from driver licensing requirements."

- MOVED CSHB 397(TRA) OUT OF COMMITTEE

PREVIOUS ACTION

BILL: HB 397

SHORT TITLE: SNOWMOBILE DRIVERS' LICENSING EXEMPTION

SPONSOR(S): TRANSPORTATION

Jrn-Date	Jrn-Page		Action
02/08/02	2183	(H)	READ THE FIRST TIME - REFERRALS
02/08/02	2183	(H)	TRA, STA
02/21/02		(H)	TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

MIKE KRIEBER, Staff
to Representative Vic Kohring
Alaska State Legislature
Capitol Building, Room 24
Juneau, Alaska 99801

POSITION STATEMENT: As committee aide, presented HB 397 on behalf of the House Transportation Standing Committee sponsor.

JIM JANSEN (ph)
(No address provided)
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HB 397.

NANCY HILLSTRAND
(No address provided)
Homer, Alaska

POSITION STATEMENT: Testified on HB 397 and said that it could be used to educate youth on safety.

JACK CAMPBELL, Mat-Su Motor Musers
1830 East Parks Highway
Wasilla, Alaska 99654

POSITION STATEMENT: Testified in favor of HB 397.

ROBERT WEBER
P.O. Box 873244
Wasilla, Alaska 99687

POSITION STATEMENT: Testified on HB 397 saying that snowmachines and cars do not mix.

NANCY WEBB, Assembly Member
Fairbanks Northstar Borough
P.O. Box 71267
Fairbanks, Alaska 99707

POSITION STATEMENT: Testified on HB 397, expressing her wish to curb some of the behavior of the few snowmachine users who are ruining it for the many.

MARK MEW, Deputy Chief
Anchorage Police Department
Municipality of Anchorage
4501 South Bragaw Street
Anchorage, Alaska 99507

POSITION STATEMENT: Testified on HB 397 on behalf of the Anchorage Police Department, saying that he did not want the wrong message to be sent by the bill.

STAN JUSTICE
1750 Reed Circle
Fairbanks, Alaska 99709

POSITION STATEMENT: Testified on HB 397 that something must be done to reduce the number of deaths and injuries from snowmachines.

ROGER BURNS

2559 Dale Road

Fairbanks, Alaska 99709

POSITION STATEMENT: Testified in support of HB 397.

PAT CARLSON

(No address provided)

Kodiak, Alaska

POSITION STATEMENT: Testified on HB 397.

MARY MARSHBURN, Director

Division of Motor Vehicles (DMV)

Department of Administration

3300B Fairbanks Street

Anchorage, Alaska 99503

POSITION STATEMENT: Testified on HB 397 on behalf of the DMV.

MARK WILKE, Treasurer

Juneau Snowmobile Club

4300 University Drive

Juneau, Alaska 99801

POSITION STATEMENT: Testified in support of safety education and HB 397.

JIM STRATTON, Director

Division of Parks and Outdoor Recreation

Department of Natural Resources

550 West 7th Avenue, Suite 1380

Anchorage, Alaska 99501-3561

POSITION STATEMENT: Testified on behalf of the department on HB 397, saying he had no problem with the original bill but had some reservations about Version C.

ACTION NARRATIVE

TAPE 02-3, SIDE A

Number 001

CHAIR VIC KOHRING called the House Transportation Standing Committee meeting to order at 1:15 p.m. Members present at the call to order were Representatives Ogan, Scalzi, Wilson, Kapsner, Masek, and Kohring. Representative Kookesh joined the meeting as it was in progress.

HB 397-SNOWMOBILE DRIVERS' LICENSING EXEMPTION

CHAIR KOHRING said that the matter before the committee was HOUSE BILL NO. 397, "An Act exempting a person driving a snowmobile from driver licensing requirements." He said the bill was the result of the "discovery" of a licensing requirement that many people did not know about. He said that he did not feel that it is a necessary government function to require a driver's license to operate a snowmachine, especially in rural areas of the state.

Number 030

MIKE KRIEBER, Staff to Representative Vic Kohring, Alaska State Legislature, presented HB 397 on behalf of the House Transportation Standing Committee, sponsor. He said the Department of Transportation [and Public Facilities] (DOT&PF) presented its draft version of the "Winter Transportation Study" in the previous year. The study was concerned with the off-road uses of vehicles - primarily snowmachines. Mr. Kriebler said it was begun as a micro-study, focused on the Fairbanks area, and dealt primarily with snowmachine use. The study quickly expanded to a statewide scope.

MR. KRIEBER told the committee that the study found many people were not well apprised of the law on the topic. The study states that snowmachine operators are required to have a vehicle driver's license to operate on roadways, as well as any public properties, including lands and waters.

MR. KRIEBER said that there was additional testimony heard in the previous year for other bills relating to airplane safety equipment. It became evident that operation of an airplane requires a driver's license in addition to a pilot's license. Mr. Kriebler made reference to a recent headline story in the Anchorage Daily News that said a person needs a driver's license to drive a snowmachine. Mr. Kriebler said these revelations showed a large number of people in the state was not legally able to operate snowmachines. He gave the examples of persons under the age of 16 and rural residents who do not drive cars or have Department of Motor Vehicles (DMV) offices at hand, characterizing both groups as ones that will be affected.

MR. KRIEBER said the bill was filed as a snowmachine driver's license exemption. He said the original bill adds one line

including snowmachines in the statute that lists exemptions to driver's license requirements.

Number 075

MR. KRIEBER said the exemption does not address the other issues such as the use of ATVs, airplanes, and boats. He said if an exemption is not listed, then it is a requirement. He gave the examples of motorized wheelchairs and the IT [a new form of motorized, personal transportation] that would not be exempted from the driver's license requirement. He said instead of listing all of the exemptions, a proposed committee substitute (CS) was submitted for the committee's consideration.

MR. KRIEBER said the proposed CS would eliminate the need for a driver's license for any type of motor vehicle that would be operated on any area other than a highway. He alluded to the definition of "highway" in AS 28.40.100, which reads:

(11) "highway" means the entire width between the boundary lines of every way that is publicly maintained when a part of it is open to the public for purposes of vehicular travel, including but not limited to every street and the Alaska state marine highway system but not vehicular ways or areas;

He said if the committee wished to change the word "highway" to "roadway" - the road surface - he had an amendment prepared that would allow the use of off-road vehicles alongside the highway without a driver's license. He clarified that the current law prevents the use of [motorized vehicles] alongside the road within right-of-way boundaries without a driver's license.

Number 113

REPRESENTATIVE OGAN moved to adopt the proposed CS, version 22-LS1448\C, Ford, 2/12/02, as the working document. There being no objection, Version C was before the committee.

Number 118

REPRESENTATIVE WILSON moved to adopt the aforementioned amendment [amendment 1], changing the word "highway" to "roadway" on page 1, line 5, of Version C.

CHAIR KOHRING said he understood the intent behind the amendment was to allow "vehicular use along roadways without requiring a license."

Number 125

CHAIR KOHRING asked if there were any objections to the adopting the amendment. There being none, [Amendment 1] to Version C was adopted.

Number 135

REPRESENTATIVE SCALZI mentioned watercraft, other ATVs, and aircraft. He asked if those vehicles would be included under the driver's license requirements.

MR. KRIEBER said they would be included in the definition of "motor vehicles." He added that the way Version C is drafted with the amendment, to operate any type of motor vehicle off of the road surface would not require a driver's license.

REPRESENTATIVE OGAN asked if there would be any age limit [imposed on the use of a motorized vehicle]. He expressed concern that parents should not allow very young children to use dangerous machinery.

Number 170

CHAIR KOHRING said that he was going to bring that issue before the committee. He said it was his personal opinion that it should be a matter of parental guidance and control, but he added that the committee could address an age limit in the bill if it so wished.

Number 173

REPRESENTATIVE WILSON asked what the bill would cover. She said in her area, the town has no more than 12 miles of road. Beyond the 12 miles of road there are logging roads. She asked if children under the age of 16 would need to have their parents drive them out to these logging roads and pick them up in order for them to use their off-road vehicles under the legislation.

MR. KRIEBER said that if they were public lands, the legislation would lift the driver's license requirement alongside the roadway. If vehicles were to be operated on the road surface, a driver's license would be required.

Number 193

REPRESENTATIVE KOOKESH said that until there are large amounts of public complaint about underage drivers on the road, it is "not a problem" and it need not be discussed. He said, "Nobody has complained yet."

Number 200

REPRESENTATIVE MASEK said Alaska has many families that live an outdoor lifestyle. She said a great deal of parents take time to teach their children the proper use of machinery. She said she knew many children that were better at handling some of the vehicles mentioned than a number of adults. She said that the use of [snowmachines and ATVs] is a tradition in the state, and that parents should be given the responsibility to make the decision of when their children are old enough to operate them. She concurred with Representative Kookesh's assertion that since there has not been an outcry from the public on the matter, it is not a large problem.

REPRESENTATIVE KOOKESH posited that snowmachines and ATVs can be as expensive as [cars]. He said that parents are very careful to make sure that such an expensive investment is not misused.

REPRESENTATIVE OGAN said that his son once had an off-road motorcycle and he did not "think for a minute that he wasn't crazy with it." He said he was not naive enough to think that all kids are using equipment in a responsible manner.

REPRESENTATIVE KAPSNER said that the bill should have a negative fiscal note due to the fact that a "roving DMV" would be very expensive.

Number 266

JIM JANSEN (ph) testified via teleconference. He said that his 20-year-old son has epilepsy and is not able to get a driver's license. His son's favorite recreation is riding snowmachines with his family. Mr. Jansen said that he and his family usually ride in the mountains off of the road and rarely even see others. He said he could not see how licensing would provide any more safety in his son's case. He said he did not think it right to require his son to be an outlaw in order to enjoy his favorite pastime. Mr. Jansen said he believes snowmachine riding is a great family outdoor activity and a great sport.

Number 300

NANCY HILLSTRAND testified via teleconference. She said that she was looking at the issue as one of safety. She said the bill was something that could be transformed into an educational opportunity. Ms. Hillstrand told of an accident she endured because of "two kids on a snowmobile that were going probably at least 80 miles an hour." She said they are lucky to be alive because she "could have easily creamed them."

MS. HILLSTRAND said this is a common occurrence because people come from the sides of the road, out onto the road in order get to the other side or because it is faster on the side of the road. She agreed that parents should be responsible, but asked if that was always the case. She proposed a certificate system tied in with education about safety, trespassing, and vandalism issues. She gave examples of stories in the Anchorage Daily News where snowmachines were involved in mishaps. She said the bill could be used for "something good" [such as education] instead of "just a fuzzy feeling" of providing a recreational opportunity to the people. She said the bill should be used as an opportunity and "a tool."

Number 341

REPRESENTATIVE MASEK referred to a bill recently passed that required the collection of a fee upon the registration of snowmachines. The monies go to the Department of Natural Resources and are then disbursed as grants to individuals, groups, and nonprofit agencies in order to mark and groom trails and to provide education. She said a group in the Matanuska - Susitna area put on a four-hour safety course and sold helmets for \$25. She said that great strides are being made with regard to the issue of safety education in the many facets of snowmachining.

REPRESENTATIVE MASEK said that Version C is not a safety bill but rather a question of "who is legal and who isn't."

Number 388

REPRESENTATIVE KAPSNER said that she saw two different classes of snowmachine users in the state. She said many users in urban Alaska use snowmachines for sport. She said most rural snowmachine users utilize them for transportation and in hunting. Representative Kapsner pointed out that many

municipalities have codes for ATVs and how they are to be used on roads. She advised Nancy Hillstrand to talk with her assemblymen about snowmachines on the road. She said that a statewide approach might not be a wise approach because of the differing kinds of use.

Number 405

REPRESENTATIVE SCALZI said snowmachine use in the right-of-way is illegal by City of Homer City Kenai Peninsula Borough ordinance. He said that whether the riders of the snowmachine are above or below 16, riding on the road is illegal.

REPRESENTATIVE KAPSNER added that the school district could also be a good conduit of information as to what is legal and what is illegal with regard to snowmachine and ATV use.

Number 429

JACK CAMPBELL, Mat-Su Motor Musers, testified via teleconference. He said the existing law is "extremely inapplicable" to off-road vehicles and that it was also unenforceable. He said there is room for improvement in the area of safety for off-road vehicle operation. He said the existing law will cause a great reduction in family recreation if enforced. He supported the bill.

Number 441

ROBERT WEBER testified via teleconference that, "Snowmachines and cars don't mix." Crossing roadways and driveways requires a driver's license under existing law. He said under the bill, roadways and driveways must be crossed - "which constitutes a driver's license."

MR. WEBBER asked, "What constitutes an off-road vehicle?" He asked if he could drive his four-wheel-drive truck down the side of the road without a driver's license under the new bill. He said the state differentiates between urban and rural areas regarding auto insurance. He asked why the same could not be done for "snowmachines and the requirements there." He suggested tying a driver's license requirement to where automobile insurance is required. [He referred to 13 AAC 02.487. DRIVING ON SIDEWALK, and 13 AAC 02.430. APPLICABILITY OF REGULATIONS; PARENTAL RESPONSIBILITY, subsection (b).] He said snowmachines and cars need to be kept separate.

Number 464

CHAIR KOHRING said it was brought to his attention that there are existing regulations that permit snowmachines and off-road vehicles to cross roads and highways.

MR. KRIEBER cited 13 AAC 02.455 and said it addresses snowmachine use and special rules for off-highway vehicles. He said the particular regulation is entitled "OPERATION ON HIGHWAYS AND OTHER LOCATIONS". He said there are details of where crossings can be made. Mr. Kriebler surmised that crossings of roadways are allowed for off-road vehicles.

Number 476

NANCY WEBB, Assembly Member, Fairbanks Northstar Borough, testified via teleconference. She said there is a high level of concern in the Fairbanks area, and she said that concern was part of the reason the "Winter Transportation Study" originated there. She said she could understand how the license requirement would seem absurd to rural residents, but she said she had concerns about unsupervised children using high-speed motor vehicles. She said it is a risk to people other than just the children themselves such as trail users. Ms. Webb said people are beginning to resent snowmachine use because of youth's "dangerous antics," trespassing through yards, and "becoming a tremendous annoyance." Ms. Webb said she only thought that it was a few, giving a bad name to the many snowmachine riders who are also her constituents.

MS. WEBB asked that the legislature "add some tool" to their removal of the license requirement that would send a message to the children who are causing the problem, and their parents. She proposed confiscating a vehicle until the end of "the season." She also offered that it may be necessary to forfeit vehicles after repeated offenses.

Number 511

REPRESENTATIVE KAPSNER asked what was prohibiting the Fairbanks assembly from addressing the issue at the local level.

MS. WEBB said that she was told by the troopers that boroughwide standards would have to be in place to implement her penalties for infraction. She said that the legislature would have to give the borough authority to enforce a boroughwide standard.

REPRESENTATIVE KAPSNER said that she could sympathize with Ms. Webb's concerns but added that in rural Alaska, children become adults very quickly. She said life in rural Alaska is like that on many farms where children must help with the work of daily life and that this work often requires the use of snowmachines and like vehicles. She said that young people in rural Alaska should not be penalized for "a few people in urban Alaska."

MS. WEBB said that there are responsible youth riders [in the Fairbanks area], and that only a few people are causing trouble.

Number 532

REPRESENTATIVE KOOKESH said Ms. Webb's concerns sound like another matter than the one being addressed by the bill. He said that he was for a legislative process that would give municipalities the power to act, but not in this legislation.

Number 542

MARK MEW, Deputy Chief, Anchorage Police Department, Municipality of Anchorage, testified via teleconference. He said the issue sounds like more of a rural issue than an urban issue. Anchorage has a local ordinance that prevents the operation of snowmachines and other off-road vehicles on roads. He said that the Anchorage Police Department can already impound the machines and cite users for offenses other than driving without a license.

MR. MEW said he understands the situation in rural Alaska is different from the one in Anchorage, but he expressed his concern about making a statement that it is all right for children to operate this type of equipment with no further guidance or control. He said that he would not bank on parental guidance to keep children safe when they are riding a vehicle capable of speeds in excess of 80 miles per hour. He said the issue should be looked at beyond just the scope of snowmachines, and he asked that all recreational vehicles be considered. He suggested something akin to a hunter safety course that would give them proper safety training. He said there will be tragic results if "we just throw open the doors on this issue."

Number 577

REPRESENTATIVE KOOKESH pointed out that there are 85 communities in rural Alaska without any form of law enforcement. He said

there should be a statewide police presence before there is talk of statewide enforcement issues.

Number 594

TAPE 02-3, SIDE B

STAN JUSTICE testified via teleconference. He said he had recently helped in recovering the bodies of a 13-year-old girl and her father after they had been killed by a collapsing cornice above Summit Lake. He said HB 397 is "a simple fix to a complex problem, and it may make matters much worse." The last six years have seen a dramatic rise in the rate of snowmachine accidents. He said that the rate of snowmachine deaths has gone up from 13 in 1996, to 32 last year. Injuries are on the rise as well.

MR. JUSTICE said that there are snowmachines in many areas of Fairbanks. He said that many snowmachine drivers have lost their driver's licenses for drinking and driving. They drive their snowmachines because they know there is no enforcement. He said three of last year's snowmachine deaths were children less than 15 years of age.

MR. JUSTICE called for strong snowmachine laws such as age limits, speed limits, restrictions on where they can go, a way to identify both machine and rider, as well as a police force capable of enforcing those laws. He said if the Bush does not want such laws, that the legislature should write exemptions like the license plate exemption. Mr. Justice asked the committee to go back to the drawing board and write comprehensive snowmachine legislation. He characterized HB 397 as "throwing the baby out with the bathwater." He said to remove the age limit in the face of such high death and accident rates was irresponsible.

Number 567

REPRESENTATIVE SCALZI asked Mr. Justice if he believed no one under 16 should be able to operate a snowmachine.

MR. JUSTICE said that he thought the legislature should consider what to do about the situation.

REPRESENTATIVE SCALZI asked what percentage of the number of deaths Mr. Justice had mentioned earlier were children under the age of 16.

MR. JUSTICE said that he only had the figure of the three under the age of 15 but was not sure of the others.

Number 552

ROGER BURNS testified via teleconference. He characterized the bill as a good thing and added that the amendments clean it up a great deal. This bill would "restore the status quo." He agreed that there are a lot of snowmachine related problems that need to be addressed, but he said this bill is not the place to do it. The bill does not close the door on future legislation. He characterized the bill as a "necessary first step" so that snowmobilers, airplane pilots, and wheelchair operators are not turned into outlaws. He gave his support to the bill.

Number 526

PAT CARLSON testified via teleconference. He said that snowmachines in Kodiak were not as much a problem as four-wheelers. He said this bill would be good in concert with the legislature's giving municipalities the abilities to license, control, and register these vehicles through the ordinance process. He said that there are different situations in both rural and urban Alaska, and that these areas should have the flexibility to deal with their unique problems. He said he would like to participate in the bill's moving forward.

Number 507

MARY MARSHBURN, Director, Division of Motor Vehicles (DMV), Department of Administration, testified via teleconference. She said there is a law on the books requiring a driver's license for all of the off-road vehicles that had been mentioned, but she added that there had not been any overt action on behalf of the division or the state to require a driver's license. She said that the law has evolved over the past 30 years, and today there is a "circumstance" on the books without the state's having acted to bring it about.

MS. MARSHBURN said that the division recognizes an "off-road vehicle uniqueness" for Alaska; off-road vehicles form a necessary part of everyday life in a large portion of the state. She said that in much of the state, "there is no public safety; there is no DMV, even with a licensing requirement." She said that her division is also mandated to be concerned about the safety of the driving public. Speaking to that, the bill, and

the proposed CS, she said there is a classification for vehicles that are defined as off-road vehicles. She said that the equipment is different from that of "traditional road vehicles" and that they do not meet federal standards for road vehicles. The off-road vehicles are not permitted to travel roads except in special circumstances - most of them related to crossing the road. She said local jurisdictions can, and do, allow off-road vehicles to travel on the roads of that jurisdiction. That provision leaves it to the municipality to determine what to do.

MS. MARSHBURN said that once a vehicle enters the roadway it must comply with the rules of the road. The operator can be cited for noncompliance with the rules of the road, whether licensed or not. She said these things would not change if the bill passes.

Number 464

MS. MARSHBURN said she had a bit of hesitation with some of the language in the proposed CS, specifically with [lines 5-6], removing "VEHICULAR WAY OR AREA, OR OTHER PUBLIC PROPERTY IN THIS STATE". She said this language might open the overall driver licensing law to weakening. She said removing that language might lend itself to a situation in which a citation for a violation in a "Sears parking lot" or on public property would not be held up in court because a driver's license was not required.

Number 447

MS. MARSHBURN said she would like the opportunity for legal staff to look at the proposed CS because she had some reservations about it. She said the bill itself - before the proposed CS - was a "cleaner way" to deal with the situation. She said the original bill would simply exempt off-road vehicles from the driver licensing law. She asked that all off-road vehicles be treated consistently, if that was the route to be taken by the committee.

Number 436

MS. MARSHBURN brought up the issue of off-road safety education. She characterized it as a very valid issue and called for its discussion and consideration. She said a number of states do not regulate or license snowmachines. Some states require a driver's license, but no state requires a "snowmobile license." She said some states have safety education programs for young

operators of snowmachines. She said that safety education might be a topic worthy of more information and discussion "away from this bill."

Number 412

MARK WILKE, Treasurer, Juneau Snowmobile Club, testified before the committee. He had his son Dexter with him. He told the committee that his son had been snowmachining since he was 11 and that he was always very safe. Mr. Wilke said that snowmachining allows him to share a great deal with his son. It allows them to do something together in the outdoors. He said the bill would allow them to enjoy their pastime legally.

MR. WILKE said that he agreed that the safety issue was a big problem in the state. He said that too many people are being killed - mostly by avalanches. He proposed raising the snowmobile registration fees by \$10 and using that money to fund a comprehensive snowmobile safety and avalanche education program. He suggested that the monies could be transferred to the Division of Parks and Outdoor Recreation so that it could hire a full-time snowmachine safety person. He said most snowmachine users in the state that he had talked to are in support of such a fee.

Number 381

REPRESENTATIVE SCALZI asked if he would like to see the education program as a voluntary or mandatory one.

MR. WILKE said that the thinking among snowmobilers is it probably should be voluntary. He said that for young children, however education should be mandatory.

Number 364

REPRESENTATIVE KOOKESH asked Mr. Wilke how he would implement such a mandatory program in rural Alaska. He said the safety concerns are legitimate and should be addressed, but he added that this is not a safety bill.

MR. WILKE said he believed the program should be carried out in the schools. He gave the example of hunter safety education program he went through as a youth in Oregon.

REPRESENTATIVE KOOKESH asked Mr. Wilke if he thought it could be done without making it mandatory.

MR. WILKE said that he would like to see it mandatory because snowmachines are taking a great deal of "negative press." He said making it mandatory might reduce some of the pressure on snowmachine users.

REPRESENTATIVE KOOKESH said he would support a mandatory program for "sports people."

REPRESENTATIVE MASEK told the committee about a pamphlet offered by the state, "Common Sense About Snowmobiling," and said that it was available at State Trooper posts throughout the state. She said that snowmachine manufacturers also provide safety information. She said snowmachining is undergoing a period of increased popularity throughout the state. She said that there are many uses for snowmachines throughout the state including racing, sport use, pleasure and recreation, and transportation. She agreed with Representative Kookesh and said that this is an issue of law. She said the bill should be concerned with making sure that people are not breaking the law. She suggested dealing with safety issues at another time with a different piece of legislation.

MR. WILKE said he supports the bill very much.

Number 299

JIM STRATTON, Director, Division of Parks and Outdoor Recreation, Department of Natural Resources, testified before the committee. He said the division is interested in the educational opportunities brought forward by the legislation. He said the division instituted a program called the Snowmobile Trails Advisory Committee (SnoTRAC) - of which Mr. Wilke is a member - from the monies that were taken from the fee Representative Masek had talked about earlier. He said one thing that came from the "DOT Winter Transportation Study" was other rules and regulations. He said that the department asked if the SnoTRAC board would look at all of those issues and find out where snowmachine users stood on them. He said education was a big issue in that regard.

Number 280

MR. STRATTON said that whether it is mandatory versus voluntary, age requirements, and urban-versus-rural regulations are all things that must be grappled with by the SnoTRAC board. He said the division is waiting for that process to bring some consensus

from the snowmobile community statewide, and that the division would play a role in delivering an education program. He said there are great education programs for snowmachine use in existence at the present time. He gave the example of the Fairbanks Police Department's program that is delivered through the school system. He said he envisions the department's role as being the "maypole" around which good ideas can be shared with the rest of the state.

Number 257

REPRESENTATIVE MASEK asked Mr. Stratton if he supported the proposed CS.

MR. STRATTON said that he had no problem with the original bill but said he had some reservations about the language in the proposed CS. He said specifying that someone does not need a driver's license to operate an off-highway vehicle is a cleaner way to approach the problem, but he said there would still be concerns about the under-16 riders.

Number 228

DOUG McBRIDE testified via teleconference. He said he is an assistant scoutmaster for a Boy Scout troop in Eagle River. He said a large part of his scout program is teaching responsible use of the outdoors. Within this is snowmachining. He said that his group takes trips on snowmachines with an age limit of 13 or older. All involved in the trip - both adults and scouts - are required to attend a safety training course at Fort Richardson.

MR. McBRIDE said that he was in the process of planning this year's trip when the licensing requirement came to light. This year, those scouts without a driver's license will not be allowed to go. He said the licensing requirement is needlessly restricting opportunities. He said he was in strong support of the bill as well as issue-specific solutions, such as training.

Number 162

REPRESENTATIVE SCALZI moved to report CSHB 397, version 22-LS1448\C, Ford, 2/12/02, as amended, out of committee with individual recommendations and a zero fiscal note. He said that there had been a lot of good dialogue about the bill. He said he did not feel that many of the safety issues should be addressed by the bill, and holding the bill up to make it

resolve some of them would be wrong. He said the bill was intended to "make people legal."

Number 142

REPRESENTATIVE MASEK referred to line 5, page 1 of the proposed CS, where the committee had changed "highway" to "roadway". She asked what would happen if "roadway" were put in and "vehicular way or area" were kept in.

Number 125

MR. KRIEBER said he thought it a great idea and said it would serve to address many of DMV's concerns. He said the public property issue was the driving force behind the proposed CS and that it would still be deleted from the language.

Number 119

REPRESENTATIVE SCALZI withdrew his motion to move the proposed CS out of committee.

Number 111

REPRESENTATIVE MASEK made a motion to move Amendment 2, on lines 5-6, to remove the two [brackets] and add back into the bill, "vehicular way or area, or other public property in this state".

CHAIR KOHRING asked if it was Representative Masek's intent to extract "vehicular way or area" and not the entire portion.

REPRESENTATIVE MASEK said that "or other public property in this state" could be left out.

MR. KRIEBER said the committee was "doing double negatives," and that he wanted to make it clear that "we are exempting the need for a driver's license requirement from public property." He clarified that Amendment 2 would remove the bracket on line 5 after "roadway" - Amendment 1 - which would then leave "vehicular way or area" and then place a bracket on line six after the comma following the word "area". Deleted out of the existing law would be "or other public property in this state".

Number 054

REPRESENTATIVE SCALZI expressed his concern that all other vehicles be included "except for cars and et cetera, et cetera."

MR. KRIEBER said that the definition of motor vehicle includes all of the things Representative Scalzi had discussed.

Number 047

CHAIR KOHRING asked if there were any objections to the amendment, there being no objection, Amendment 2 was adopted.

Number 041

REPRESENTATIVE SCALZI moved to report CSHB 397, version 22-LS1448\C, Ford, 2/12/02, as amended, out of committee with individual recommendations and a zero fiscal note.

There being no objection, CSHB 397(TRA) was moved out of the House Transportation Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:45 p.m.