

PROPONENT ORAL TESTIMONY

Jan. 23, 2020

To Chairman Proehl and the members of the House Transportation Committee

My name is David De Morrow. I am a former non-commissioned officer in the army, where I drove military vehicles every day as a US Army certified master driver for nearly 22 years of service. I have also been collecting and restoring military vehicles in a 501C3 military museum (65 vehicles) for the last 30 years. Currently I am also being called upon by members of congress as a military vehicle expert for current and upcoming legislation.

I am here to talk about HB-2420, dispel any concerns you may have, and clear up any rumors or false reporting.

1. Description what the bill is talking about is wheeled vehicles released by the DOD via the DLA, not tracked vehicles or vehicles that do not meet the DOD-STD-1180B. this includes the HMMWV, M977 series of vehicles, the LMTV, and other vehicles. In addition, pursuant to S4.2.3 (of the FMVSS) vehicles that are exempt from sections of the FMSS are convertibles (HMMWV QUALIFIES), open body type (HMMWV QUALIFIES), walk in van type, or motor homes. The fact that the HMMWV is built as an open type convertible makes much of the FMVSS not applicable.
2. Most vehicles released were made prior to 2005. The military does not release NEW vehicles. that means that vehicles over 15 years old are not subject to many DOT and EPA restrictions, and at 25 years old all vehicles are exempt from nearly all federal DOT and EPA rules.
3. Safety. All vehicles we are talking about have DOT approved lights, reflectors, glass, horn, etc.... from 1983 on all components have to be DOT cleared to be on MVs. in addition all the vehicles designs are over 25 years old, but have been updated with new safety features over the years prior to release.
4. EPA. All former MVs have a life time exemption for post DOD use per 40 CFR and section 203 (B) (1) . this can be verified via your state surplus property agency (1-785-296-2351).
5. DOD-STD-1180B vs FMVSS. As stated on page 6 of 1180B "5.4 application of FMSS. The application of specific requirements within the FMVSS's military wheeled vehicles designed to (a) carry 10 passengers or less and (b) have a gross vehicle weight rating of less than 10000 pounds shall comply with those requirements which apply to passenger cars. In fact, the state of Wisconsin court hearing (case no TR-11-0016) has stated that the STD-1180B is the same legally as the FMVSS.
6. NHTSA ruling dated 02/09/1988 stated that AM general (vehicle manufacture for the (HMMWV and other military vehicles) had by following the STD-1180B not only met all the FMVSS rules, it had exceeded them and the HMMWV was to be considered a ON ROAD MOTOR VEHICLE... AM general must comply with a performance safety standard (MIL-STD-1180B) comparable to the Federal motor safety standards. In fact tactical vehicles like the HMMWV were designed with 60% on road use to be expected with many having been used up to 90% of the time on road without any major injuries. in fact MVs released in the last 35 years are FAR safer than MVs, antique, and hot rods currently allowed on KS roads due to STD-1180B requirements.

7. Usefulness. Currently the state has a need for the HMMWV and other former MVs in your fire departments, first responders, private rescue agencies, farmers, ranchers, and others that use the HMMWV and other former MVs with or without legal plates.
8. Of the 50 states only 6 have restrictions where you can not plate newer MVs. Of them 3 currently have bills pending to get MVs legal on that state's roads.
9. Current on road safety and use. Currently there are about 4-5000 hmmwvs that operate on your roads every day. With the 1ST infantry div, elements of III corps, the 35th infantry division, 3 brigades of artillery, and 326th army reserve brigade. Every day units are on your roads with soldiers with sometimes little or no real experience behind the wheel of the HMMWV and other MVs without any more issues than that of normal commercial vehicles. Also, the DLA has been monitoring the sales and use of surplus MVs after the sale. In a meeting I had last year with the dept director of the DLAs inspector general they found that they could not find any issues with the use of MVs by civilians. And at the time they could not find any misuse, major injuries, or deaths due to the use of recently released MVs.
10. "for off road use only" the red "For off use only" was only required for a single contract from DLA (CV4R) contract requires this. This contract only covers ARMY M998s sold via iron planet. NO other contract or sales has prior or after has ever had this stamp on it. The only reason for this stamp is the fact that a lawyer in contracting put it in the contract that IP and not the DOD placed the stamp on the first SF97 received after the sale. No other HMMWV sales by IP have the stamp, and any replacement SF97 for the same equipment is not required to have the stamp. In fact, IP and the DOD has stated that the stamp has nothing to do with the road worthiness of the vehicle, it is just a liability issue.

So, in closing.. the vehicles are safe (NHTSA), they meet the VMSS requirements (NHTSA), they are currently used in your state by the active and reserve military in the thousands, first responders (fire and police), are more stable and capable than older MVs, and they meet EPA standards.

And now for your questions....

Hmmwv (soft top)



