

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on March 13, 2007 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research  
Bruce Kinzie, Revisor of Statutes Office  
Betty Boaz, Committee Assistant

Conferees appearing before the committee:

Deb Miller, Secretary, KS Department of Transportation  
Robert Waller, Chief Administrator, Bd. of Emergency Medical Services  
Ed Klump, representing KS Association of Chiefs of Police  
Dr. Howard Rodenberg, Director of Health, Department of Health and Environment  
Captain Scott Holladay, Shawnee County Sheriff's Office  
Cindy D'Ercole, KS Action for Children

Others attending:

See attached list.

Chairman Hayzlett opened the meeting by opening the hearing on **SB 211**.

**SB 211 - Safety belts, primary enforcement for occupants under 18 years of age**

The Committee received a briefing explaining the differences between **HB 2136** and **SB 211**. The first proponent for this bill was Deb Miller, Secretary of the Department of Transportation. According to Secretary Miller, as amended, this bill alleviates a concern brought forward by the Office of Judicial Administration. Secretary Miller said experiences in other states have shown that when a primary law is enacted, the use of seat belts increases. In addition, a primary law with a higher penalty sends a message to motorists that safety belt use is an important safety issue that the state takes seriously.

The next proponent was Robert Waller, representing the Board of Emergency Medical Services. (Attachment #2) Mr. Waller said according to a report from the National Highway Traffic Safety Association, seat belt use rates are higher where laws are stronger, meaning a primary seat belt law motivates individuals to wear a seat belt. Mr. Waller said the money derived from the bill would help attendants and services with training and equipment. He said **SB 211** as amended, requires passenger car occupants between 14 and 18 years old to wear a seat belt regardless of where they are seated in the vehicle and increases the seat belt fine from \$10 to \$60.

Ed Klumpp, representing the Kansas Association of Chiefs of Police, was the third proponent to speak. (Attachment #3) Mr. Klumpp stated several reasons the Committee had heard for not enacting more stringent seat belt laws. He said that younger passengers and drivers are more at risk of being involved in an accident and that is the heart of this bill. He said this bill addresses the occupants ages 14 - 17 and will mandate they wear seat belts in all seat positions of a passenger car. Mr. Klumpp said it would also make the enforcement of this provision a primary offense while leaving the existing laws on those ages 18 or older a secondary offense.

Chairman recognized Dr. Howard Rodenberg, Director, Div. of Health, (Attachment #4) Dr. Rodenberg said unintentional injuries continue to kill more young Kansans than any other cause and motor vehicle crashes are by far the leading cause of death. He said when we look specifically at children ages 14 through 17, 30 Kansas kids died and 2,613 more were injured as a result of car crashes in our state in 2005 alone (KDOT). He concluded by saying they believe that passage of **SB 211** would result in progress toward meeting the national Healthy People 2010 goals to increase seat belt usage and to reduce death rates due to motor vehicle crashes. He said more importantly, it would begin an effort to save Kansas families from the pain, anguish, and financial burden of preventable death and injury from lack of seat belt use.

Captain Scott Holladay, representing the Shawnee County Sheriff's Office, was the next proponent.

## CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on March 13, 2007 in Room 519-S of the Capitol.

(Attachment #5) Captain Holladay said the Shawnee County Sheriff's Office and other law enforcement agencies across the state actively enforce occupant protection laws, yet Kansas is still below the national average for seat belt use. He concluded by saying that as adults it is our responsibility to set good examples for our youth and as legislators, you can show teens that you care by passing **SB 211**.

Chairman Hayzlett recognized Cindy D'Ercole as the last proponent to testify. (Attachment #6) Ms. D'Ercole told the Committee that Kansas Action for Children supports the enactment of SB 211 because traffic crashes are the number one cause of death for teens and one of the key factors is unbuckled seat belts. She said increasing seat belt use is the single most effective and immediate way to save lives and reduce the number of injuries on Kansas roadways. She concluded by saying research shows that secondary, or primary, seat belt laws are much more effective in increasing safety belt use - that teens are more likely to buckle up when there is a perceived risk of receiving a citation.

The Chairman drew the Committee's attention to the written testimony submitted by the Kansas Highway Patrol, the Kansas Peace Officers Association and James R. Hanni representing AAA Allied Group.

Chairman Hayzlett asked if there were any other proponents or any opponents who were not on the agenda, there were none.

After the Committee asked questions of the conferees, Representative Ballard asked a young lady seated in the audience what she thought about increasing the fine for driving without a safety belt - if the higher penalty would cause her to think more about using a safety belt. The young lady, Lakin Tuxhorn, senior at Smith Center Jr./Sr. High School, told the Committee she had been involved in an accident a year earlier and had not been wearing a safety belt. Lakin told the Committee about her injuries and the strain on her family and that now she always uses a safety belt. Lakin told the Committee she thought the higher penalty was a good idea. A friend of Lakin's, Saisha Eastes, thought the penalty ought to be between what it is now and what was proposed. The Committee thanked the young ladies for their willingness to step forward and answer questions and their candid comments.

There being no further business before the Committee the meeting was adjourned. The next meeting will be on March 14, 2007, at 1:30 p.m. in Room 519-S.