

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:00 a.m./~~p.m.~~ on February 21, 1985 in room 245-E of the Capitol.

All members were present except:

Sen. Doyen was excused.

Committee staff present:

Fred Carman, Revisor
Hank Avila, Research
Louise Cunningham, Secretary

Conferees appearing before the committee:

Bob Storey, Topeka, Traffic Safety Now
Dr. Fred E. Clark, Topeka
Bill Henry, Kansas Highway Users
Dr. Bob Smith, Professor, Civil Engineering, KSU
Bill Sneed, Kansas Association of Defense Counsel
John J. Jurcyk, Kansas City, Kansas Association of Defense Counsel
Gaila Hein, Overland Park, Kansas PTA
Bob Morrissey, Topeka, Federal Highway Administration
Kathleen Sebelius, Kansas Trial Lawyers, Topeka
Dan Lykins, Topeka, Kansas Head Injury Association
Kelly Wendeln, Chanute
Oscar Lind, Topeka

HEARING ON S.B.144 - Model Safety Belt Use Act.

The Chairman distributed to the committee copies of the Belt Use Law which two-thirds of the population must be covered by if passive restraints are not to be forced. (Attachment 1). Also distributed were copies of an article from the Topeka Capital Journal dated February 21, 1985 entitled "Michigan OKs Seat Belt Law". A copy is attached. (Attachment 2).

PROPONENTS:

Bob Storey said Traffic Safety Now, Inc. was composed of representatives of the Motor Vehicle Manufacturers Association of the U.S., National Automobile Dealers, American Seat Belt Council, National Highway Users Federation, American Association of Automotive Medicine and others. They were created for the purpose of reducing highway injuries and fatalities, principally through the use of safety-belt use. A copy of his statement is attached. (Attachment 3). He also had two amendments to the bill which would lower the penalty for violation. He said the purpose of the bill was not to punish violators but to get them in the habit of using the safety belts.

Dr. Fred Clark spoke in favor of S.B. 144. He said it would reduce health care costs. Much damage is done to the upper jaw and teeth when a person is involved in an accident and is not wearing a restraint. Many times there would be no injury at all. It only takes two seconds to buckle up. He passed around a slide to the committee showing the usual type of injury he sees in an automobile injury. A copy of his statement is attached. (Attachment 4).

Bill Henry, Kansas Highway Users Conference, spoke in favor of S.B. 144 and said when people talk of their "right" to not use seat belts the government has always regulated the use of the driving system through driver licensing, traffic laws, standards and other requirements. Freedom does not include the liberty to take unreasonable risks with one's own life or the lives of others. A copy of his statement is attached. (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

room 254-E, Statehouse, at 9:00 a.m./~~p.m.~~ on February 21, 1985

Dr. Bob Smith, Professor of Civil Engineering, KSU, spoke in favor of S.B. 144. He said members of the Kansas Engineering Society support the use of mandatory seat belts. A copy of this statement is attached. (Attachment 6). He spoke of the annual savings in lives, injuries prevented, and dollar savings if seat belt usage was enforced. He said air bags were of little help in side hits. Seat belts keep the occupants in the car. Accident costs are also a social problem. He also said air bags would be enormously expensive. A copy of his statement is attached. (Attachment 7).

Bill Sneed, KADC Legislative Counsel, spoke in favor of mandatory seat belts saying the bill would help educate the public and a fine would provide incentive. He spoke for attorneys involved in defending lawsuits in accident cases.

John J. Jurcyk, Jr., Kansas City, said passage of this law would hold down the costs of insurance rates and this bill would not affect the outcome of any trial in Kansas. He supported the two amendments offered by Bob Storey. A copy of his statement is attached. (Attachment 8).

Gaila Hein, Kansas PTA, said she was speaking for 60,000 people including parents, students, administrators and others connected with schools and they supported this legislation. She said every effort should be made to pass this into law. A copy of her statement is attached. (Attachment 9).

Bob Morissey, Federal Highway Administration, Topeka, said after World War II tests were conducted showing the amount of impact humans could withstand and with the proper restraints humans could withstand almost any impact. On highway construction projects where workers wear hardhats, it has been found that the workers have less accidents because they become more aware of safety merely by putting on the hardhat. Wearing seat belts would make drivers more aware of safety and he supported the bill.

OPPONENTS:

Kathleen Sebelius, Kansas Trial Lawyers, said air bags would be more effective because they are involuntary. A seat belt is not effective unless it is buckled up. She said they objected to Sec. 4(b) of the bill. Kansas does have a comparative fault system and Kansans could lose more than any other state in the country.

Dan Lykins, Treasurer, Kansas Head Injury Association, said he supported the use of seat belts but does not support this bill because he felt air bags were necessary. They are safe and save lives. He said we do not have air bags today because of the automobile industry. Drunken drivers would get off free with this legislation. It would protect negligent drivers in Kansas. He said that if the bill is passed the mitigating section should be taken out of the bill.

Kelly Wendeln, Chanute, said the issue of this bill is not safety. People are killed every year in activities such as hand gliding and even swimming but there is no legislation against them. Government should get off the backs of people.

Oscar Lind, Topeka, said government should let the citizens have freedom of choice. They should be allowed to make their own decisions. GM has had recalls because of faulty brakes. Government should get after something like that. Mr. Lind quoted from an article by James Kilpatrick dated February 12, 1985. A copy of this article is attached. (Attachment 10).

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION & UTILITIES COMMITTEE

Date 2-21 Place 254-E Time 9:00

GUEST LIST

PLEASE PRINT

NAME

ADDRESS (City)

ORGANIZATION

DAN LYKINS	Topeka	Ks Head Engineer, Assn.
Ken Smith	"	Ks Bar Assn
Jon Miller	"	SRS/ADAS
Danly Rafter	Wichita	
Pat Kuhlert	Topeka	Kansas Railroad Assn.
Jim Edwards	"	KCCI
PAT BARNES	Topeka	Ks Motor Car Dist. Assn.
JIM SULLINS	"	Ks MOTOR CAR DEALERS ASSN
WILLIAM JACOBS	TOPEKA	KANSAS HIGHWAY PATROL
JOHN J JURCYK	KANSAS CITY, KANSAS	KANSAS ASSOCIATION OF DEFENSE COUNSEL
William W. Sneed	Topeka	K. A. D. C.
Kelly Wendelin	Chanute	
OSCAR LIND	TOPEKA	
Wesley Stephen	P. U. Ks.	Ks. Engineering Society
Jim J. Notz	Topeka	Rep. Joan Adams - Atelison
MRS HERBERT	DEN, COLO.	GENERAL HOTEL CORP.
LEIGH NICHOLS	OKLA CITY, OK	MOTOR VEHICLE MANUFACTURERS ASSN.
Richard Schlegel	Manhattan	ABATE of KS INC.
K. Jay Sutton	Topeka	Ch. St. CWA 6401

SENATE TRANSPORTATION & UTILITIES COMMITTEE

Date 2-21 Place 254-E Time 9:00

GUEST LIST

PLEASE PRINT

NAME

ADDRESS (City)

ORGANIZATION

Gracie Mattui	-	sen. walker office
MaryAnn Bumgarner	Lawrence	Gen. Burke. useri
Jay Robb	Topeka	Government's Office
Joellen McManahan	Topeka	AAA Kansas
Richard Harmon	Topeka	KS Prop. Casualty Co.
Bob Morrissey	Topeka	Fed. Highway Adm
M. Haavoc	"	Capitol-Journal
DAVID TUTTSWORTH	"	KDOT
ED DESOIGNIE	TOPEKA	KANSAS DEPT. OF TRANS.
Tom Whitaker	Topeka	Kansas Motor Carriers Assn.
Mary E. Turkington	Topeka	Kansas Motor Carriers Assn.
J. Clark	Topeka	Self
Paul E. Freenes	Manhattan	Kansas Farm Bureau
Kathleen Selsden	Topeka	KTLA
Tonya Cayay	Spencer Mission	Co PTA
Sandra Hesse	Overland Park	Co PTA

2/3 Of Population To Be Covered By Belt Use Law If Passive Restraints Are Not To Be Forced

Laws Must Meet Minimum Requirements

The Department of Transportation's ruling on the subject of restraints in passenger cars says:

"This Rule requires the installation of automatic restraints in all new cars beginning with model year 1990 (September 1, 1989) unless, prior to that time, state mandatory belt usage laws are enacted that cover at least two-thirds of the U.S. population."

It goes on: "The principal compliance dates for the rule, unless two-thirds of the population are covered by mandatory use laws, are:

**"September 1, 1986 — for phase-in requirement.
September 1, 1989 — for full implementation requirement."**

Therefore, starting **September 1, 1986**, with model year 1987 cars, a portion — **10%** — of each company's

build will have to be equipped with **passive restraints** for the driver and outside front seat passenger positions, unless belt use laws have been enacted in enough states to cover at least **2/3rds of the population**.

MINIMUM REQUIREMENTS FOR STATES' LAWS

But it isn't enough for states to pass weak mandatory belt use laws. **Those laws must meet minimum requirements.** The requirements pertain to: when belts must be fastened and by whom; limitations on waivers; minimum penalties for breaking the law; provision for reduction of damage compensation to an injured person not complying with the seat belt law; a program for public education to encourage compliance; and a deadline for the effective date of the law.

The Department of Transportation's Final Rule states:

"S4.1.5.2 The minimum criteria for State mandatory safety belt usage laws are:

"(a) Require that each front seat occupant of a passenger car equipped with safety belts under Standard No. 208 has a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.

"(b) If waivers from the safety belt usage requirements are to be provided, permit them for medical reasons only.

"(c) Provide for the following enforcement measures:

"(1) A penalty of not less than \$25.00 (which may include court costs) for each occupant of a car who violates the belt usage requirement.

"(2) A provision specifying that the violation of the belt usage requirement may be used to mitigate damages with respect to any person who is involved in a passenger car accident while violating the belt usage requirement and who seeks in any subsequent litigation to recover damages for injuries resulting from the accident. The requirement is satisfied if there is a rule of law in the State permitting such mitigation.

"(3) A program to encourage compliance with the belt usage requirement.

"(d) An effective date of not later than September 1, 1989."

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ATT. 2

Topeka Capital Journal, Thursday, February 21, 1985 9

Michigan OKs seat belt law

LANSING, Mich. (AP) — Motorists must buckle up or pay up beginning July 1 under legislation sent Wednesday to Gov. James Blanchard, who says he will sign it, making Michigan the fourth state with a mandatory seat belt law.

The Senate, without debate, voted 29-4 to agree with a minor amendment added to the measure in the House, where the bill was approved 64-41 on Tuesday. The proposal would impose a \$10 fine for violations beginning July 1, and a \$25 fine after Jan. 1.

New York, New Jersey and Illinois have enacted seat belt laws, and Massachusetts Gov. Michael Dukakis has prepared such a measure for submission to the Legislature.

Backers of the Michigan measure, who struggled four years to pass it, say it will save about 800 lives a

year and thousands of serious injuries.

The Motor Vehicle Manufacturers Association, a trade group for car-makers, called the Michigan lawmakers' action "a milestone on the road to enactment of legislation in all 50 states."

The federal government has promised to require air bags in cars in 1989 unless states with two-thirds of the nation's population pass seat belt laws.

"We still have a long and difficult road ahead in this campaign, but it would have been far bumpier without the approval of the state where most of the domestic motor vehicle manufacturers make their headquarters and where more than a third of the nation's automobiles are made," said V.J. Adduci, president and chief executive officer.

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TESTIMONY CONCERNING SENATE BILL 144
BEFORE THE SENATE TRANSPORTATION AND UTILITIES COMMITTEE
PRESENTED BY BOB W. STOREY
REPRESENTING TRAFFIC SAFETY NOW, INC.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I want to thank the committee for providing the opportunity to Traffic Safety Now, Inc. to present this testimony in support of Senate Bill 144.

First, I would like to explain who Traffic Safety Now is, and the reason for the introduction of this legislation. Traffic Safety Now is a nonprofit organization, created for the purpose of reducing highway injuries and fatalities by fostering the increased use of automotive safety belts, principally through the passage of safety-belt-use laws. Traffic Safety Now, Inc. is composed of representatives of the Motor Vehicle Manufacturers Association of the U. S., Inc., National Automobile Dealers Association, American Seat Belt Council, the National Highway Users Federation, American Association of Automotive Medicine, and others.

In addition to supporting legislation for the mandatory use of safety belts, TSN supports a variety of programs to encourage safety-belt use--such as public education efforts, continuing support for state coalitions, and task forces of like-minded citizens and organizations. Each member of this committee has been handed a booklet which contains facts concerning why legislation is needed to require the mandatory use of safety belts, not only in the state of Kansas but in each and every state in the Union. The main reason for the support of

Senate Bill 144 by TSN is not necessarily to comply with the federal mandates from the Secretary of Transportation, although those, of course, are a reality, but more to demonstrate that there is a great need for safety restraints for the operators of automobiles on our roadways.

People riding in front seats of automobiles account for 92% of the passenger car deaths that occur each year in motor vehicle accidents. The fact that 20,000 persons occupying automobile front seats die each year in traffic accidents, and the leading age group killed is young adults age 15 to 24, is in itself sufficient reason for the requirement of mandatory safety-belt use. The statistics are contained in the booklet before you, which gives reasons the legislation is needed, sets out statistics on the use of safety belts, and describes how a safety-belt law can be effective. It is interesting to note that in most of the western countries there is a mandatory safety-belt law in effect, and there are indisputable statistics to support the success of these safety-belt laws. As stated in your booklet, for instance, after the mandatory safety-belt law was passed in England, usage rates increased from 20% to 95%; in Canada, from 28% to 61%; in Australia, from 30% to 80%. In those same countries, the fatalities were reduced: In England, by 25%; in Canada, by 16%; and in Australia, by 22%.

In 1972, compulsory safety-belt use went into effect in Australia. During the first two years of required use there was a 300% reduction in eye injuries, a 50% reduction in spinal injuries, and a 51% reduction in drivers admitted to the hospitals.

We do not have these types of statistics in the United States, since a mandatory safety-belt law has not been in effect in those states such as New York, New Jersey, and Illinois long enough to compile these statistics. However, by computation I don't think it is too difficult to see there is no question but that the mandatory use of safety belts will be effective in reducing injuries and fatalities.

I wish to make it clear here that the purpose of TSN is not to increase the number of arrests by law enforcement personnel of individuals driving without safety belts. It is more to get people into the habit of buckling up as soon as they climb into the front seat of an automobile. From the usage increase in the western countries, which are cited above as having mandatory safety-belt laws, you can readily see that once a mandatory law is passed, the public takes cognizance of the fact that they may be violating the law by now wearing a safety belt. And, once they start complying with the law by buckling their safety belts, as far as TSN is concerned its purpose has been served. Only a few seconds are required when you enter your automobile to reach over and snap the safety belt into the receiving buckle, and those few seconds may be very important in deterring a serious injury, or possibly a fatality, for the driver or passengers in the front seat of the automobile.

Quite frankly, I do not believe there is that much opposition from the public to a mandatory safety-belt law; and I think it will have to be implemented in this manner to achieve the effectiveness that was originally intended when the safety

belts were first installed in automobiles. The law was passed in January, 1967, which stated that safety belts were to be required in all 1968 and later passenger cars. Since that date safety-belt restraints have been placed in all cars manufactured; but because of the lack of requirements to use such safety belts, many injuries and fatalities have occurred which were not necessary, and which could have been prevented in a few seconds, doing no more than snapping the belt into place.

Hopefully, this law will, as stated above, get people into the habit of snapping their safety belts when they enter an automobile. If one or two lives are saved, or one or two serious injuries are prevented, then the passage of the legislation will be well worth the effort.

TSN recognizes that a law of this type does have enforcement problems. However, we strongly believe that the enforcement problems which may arise are overcome by the good which results from legislation of this type. Even if there may be a law enforcement problem, we still believe if the people know the law is mandatory, it will become a deterrent to not fastening safety belts. The habit will be formed, and once formed normally it will become a natural thing for people to fasten their safety belts when they enter an automobile. Once again, we are not proposing this law to the detriment of the public. TSN does not believe that once the law is passed, the battle ends there, but firmly believes there should be courses (which will be partly sponsored by TSN) to educate people on the use of safety belts. TSN advocates a strong educational effort to insure that

individuals know the reasons for the use of safety belts and the benefits therefrom.

In addition to the possible law enforcement problem, TSN recognizes that there will be strong opposition from some people on this matter. Freedom of choice has been argued throughout the years when considering this type of legislation.

I can only say in response, that to drive a vehicle in the state of Kansas is not a matter of right to an individual, but it is a privilege once the driver's license is obtained. The state has the power to, and does, regulate the use of the public roads and highways and the operation of motor vehicles on public roads, which is a responsibility of the state. I don't believe there is a question in anyone's mind that the requirement for mandatory safety belts will save many lives and substantially reduce the number of injuries. There is no question that such a requirement will protect and promote public health and the general welfare of the citizens of the state of Kansas. And, finally, I do not believe the freedom of choice exists, since it is a well-known fact that the medical expenses and loss of income from one injury in an automobile accident (which could be avoided) could be financially ruinous to that particular victim and their family. But the economic impact does not stop there. Employers face medical insurance costs, workers compensation contributions, and unemployment taxes, and less obvious costs relating to rescheduling, temporary replacements, and administrative tasks.

Further, we are in the era of rising health insurance costs, and that subject is being dealt with in various bills before this legislature in the 1985 session. It becomes the business of all citizens, and not a freedom of choice, when victims incur large medical bills which could be avoided by the use of safety belts. Those high medical costs are passed on to the other citizens through increased premiums. When this occurs, it is no longer simply a freedom of choice to an individual, but is the business of all citizens of the state of Kansas; and those citizens have the right to impose a mandatory safety-belt requirement to protect their rights, to avoid picking up the tab for higher medical costs which were not a result of their doing.

Mr. Chairman, and members of the committee, there are others to speak in support of Senate Bill 144, and I do not want to take any more time speaking as a nonexpert. We have individuals who have been personally involved, in instances which will be recited to you in support of the mandatory requirement for safety-belt use in the state of Kansas.

If any members of the committee have questions to ask after the testimony is presented, there are members of TSN in the hearing room, and we would be more than happy to try to answer whatever questions are of concern.

Thank you again for the opportunity to appear in support of Senate Bill 144. We ask the committee to send Senate Bill 144 to the full Senate, with the recommendation that it be passed.

Thank you for your consideration.

Respectfully submitted,

BOB W. STOREY

AMENDMENT

Section 4

This section should be amended to read as follows:

"Sec. 4. (a) Persons violating subsection (a) of section 3 shall be fined not less than \$25, including court costs."

Also, the violation should be under the infractions section of the statutes, which would be a nonmoving violation.

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Testimony before the Senate Committee on Transportation and Utilities
regarding Senate Bill #144, By Dr. Fred E. Clark.

Thank you for the opportunity to express my views regarding the effectiveness of seatbelts in preventing injuries to the face, teeth and jaws.

I know you have been privileged with a wealth of statistics to support the effectiveness of the use of seatbelts. I won't take up valuable time today to review those, however, I would just like to make the general statement that there is no question about the fact that seatbelts, including shoulder restraint, reduce the frequency and severity of injuries sustained in automobile accidents, reduces human suffering and drastically reduces medical care costs.

The last time a significant change occurred in highway statistics was the enactment of the 55 mph speed limit. We now have an opportunity to have an even greater impact with a positive change in these accident statistics. Forty eight (48) states have now inacted some form of legislation requiring mandatory restraints for children. Meaningful statistics are now being reported about the effectiveness of this new legislation. The Kansas City Times reports the number of young children injured in auto accidents has dropped dramatically since the implementation of the law requiring them to wear safety restraints in car travel in Missouri. Since the law took effect in January 1, 1984, three hundred and sixty (360) children under the age of

four have been reported injured in automobile accidents on Missouri roads. This represents a twenty four per cent (24%) reduction from the four hundred and seventy one (471) children injured during the same period during 1983. The Denver Post reports that as of July 1981, there has been an eighty three per cent (83%) reduction in child traffic fatalities in the state of Colorado. There is good reason to think that adults statistics would be similarly effective by mandatory seatbelt use.

While human suffering has to be the primary concern, the economic impact cannot be ignored. The National Highway Safety Administration's office has reported some comparative costs of similar accidents. One where the driver was wearing seatbelts and one where he was not. In the first example, a male wearing a seatbelt driving at 55 mph was hit in the left front by a full sized pick-up driving 35 mph. The injury sustained was a minor whiplash and the total medical cost was fifty two dollars (\$52.00). In a similar accident, a male not wearing a seatbelt and driving at approximately 55 mph, hit in the left front by a full size car at 35 mph, sustained fractured ribs and a fractured leg. The total health care cost was forty three thousand, six hundred and ninety two dollars (\$43,692.00). In another example, a male wearing a seatbelt driving approximately 45 mph and hit loose gravel and lost control rolling down an embankment. He sustained no injuries.

In a similar accident, a female driver not wearing a seatbelt, driving at 45-50 mph, lost control, rolled down an embankment, sustained multiple injuries requiring a medical care cost of eighty six thousand, seven hundred and ninety five dollars (\$86,795.00). No reasonable person can ignore the benefits of wearing a seatbelt.

During my professional career of twenty five (25) years, I have had the opportunity to treat many victims of automobile accidents. Only in the last few years has any concern been given as to whether they were wearing seatbelts or not. I recently had an opportunity to treat a well known member of our own community for injuries he sustained in an automobile accident. He fell asleep, the car veered into the ditch and rolled over. He was not wearing a seatbelt and sustained injuries to his back and to his upper jaw, his cheekbone and the bone around his eye. This required major surgical procedures to correct the injuries to the face and jaw and approximately ten days of hospitalization. While I am not privileged to all of the cost encountered in this incident, I can only estimate that they were in excess of twenty two thousand dollars (\$22,000.00). He has recovered completely and aside from an occasional painful spasm in his back, has very little residual defect from his injuries. Since the drivers compartment of his automobile was reasonably intact, there is every possibility that he would not have sustained any injury had he been

wearing a seatbelt with a shoulder restraint.

As an Oral and Maxillofacial Surgeon, I see only some of these injuries that sustain this type of damage. By far the most frequent injury I see, involves the mouth and the teeth. Most often these do not require hospitalization but do require extensive treatment and very often, residual cosmetic defects and substantial cost. The most frequent injury I see involves the mouth, lips and teeth. I'll pass around a slide of a young man that sustained substantial injuries in a relatively minor accident when he failed to stop in time and rear ended a car. As you can see, he sustained some lacerations to his lips, tissues inside his mouth and totally displaced one tooth and fractured several others. This particular case required emergency treatment for lacerations, replacement of the tooth that was completely knocked out and several porcelain crowns to correct the teeth with the fractures. Total cost of his treatment will approach seven thousand, five hundred dollars (\$7,500.00). In addition, he will have the ongoing cost of some dental care that he would not otherwise have had. Had he been wearing a seatbelt and shoulder restraint, he would not have had any injuries.

In addition to the efforts by governmental agencies to increase the use of seatbelts, the private sector in every community has had some program to stimulate voluntary use. In Topeka,

Kansas, the incentive program was implemented by the State Department of Transportation, sponsored by the Goodyear Tire and Rubber Company and Topeka American Automobile Association. A safety belt survey was also conducted for the state by the Co-operative Extension Service at Kansas State University and members of 4-H Clubs. The survey reveals that a disappointing seven to eight per cent (7%-8%) of Topeka drivers were found to be wearing seatbelts. On June 24, the Chicago Tribune revealed the results of a survey conducted in Canada, where in provinces that had a mandatory seatbelt law, the use rate was fifty three point nine per cent (53.9%). In provinces without the law, the use rate was eleven point eight per cent (11.8%). SEAT BELTS ARE A PROVEN LIFE SAVER and only very lazy or very stupid people do not use them.

It is somewhat embarrassing that we use them so little that lawmakers are asked to make laws that are just common sense.

Respectfully submitted: (this material includes five (5) pages)

Fredric E. Clark, D.D.S., M.S.D.
Oral and Maxillofacial Surgery
4301 Huntoon
Topeka, Kansas 66604

19 February 1985

(15)

TESTIMONY
BEFORE
THE KANSAS SENATE COMMITTEE
ON
TRANSPORTATION AND UTILITIES
BY
ROBERTA SHARP
MEMBER OF THE EXECUTIVE COMMITTEE
OF THE
KANSAS HIGHWAY USERS CONFERENCE
AND
PAST PRESIDENT
OF THE
KANSAS WOMEN HIGHWAY SAFETY LEADERS
FEBRUARY 21, 1985

Mr. Chairman and members of the Committee, I am pleased to appear before you to support SB 144, a bill to require front seat occupants of passenger cars to wear their safety belts.

The United States has the safest Highway Transportation System in the world. Despite this fact, between 43,000 and 50,000 people are killed in highway crashes every year. 22,000 to 27,000 of these deaths are occupants of passenger cars. If these passenger car occupants had all been wearing their safety belts, at least half would have lived.

That is an astounding effectiveness for any remedial action, and most importantly, it costs nothing. All it requires is to "Get It Together" or "Buckle-up." Not a major investment when we consider the tremendous savings to individuals and society.

As tragic as the number of deaths are, they are only part of the problem, lost productivity, medical and rehabilitation costs, and the overall societal burden must be taken into account with non fatal trauma. Almost 13,000 people are injured each day;

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more than 4.5 million are injured each year, including about 2 million disabling injuries, or roughly 45,000,000 each decade--about a fifth of the U. S. population.

In 1975, vehicle injuries and deaths cost this nation conservatively more than \$14 billion. In 1981, this figure exceeded \$20 billion. On a per-case basis for serious injuries, the average medical payment is \$208,400. The cost of institutional care is an additional \$240,300.

Each death costs the victim's employer an average of \$120,000. When on-the-job injuries are added to deaths; road trauma directly or indirectly costs employers approximately \$1.9 billion annually.

Road related trauma as these figures indicate extract a staggering toll on our society and on its economic well being.

Yet these figures can be reduced dramatically by a single act--the enactment of a safety belt usage law. The use of safety belts--lap and shoulder--have been shown through scientific study to be 50-60% effective in reducing fatal and serious injuries. At a 70% usage rate at the 50% effectiveness level we should see a savings of approximately 8,000 lives, while at the 60% effectiveness level that savings could be as high as 9,600 lives. The average usage rate of 8 other nations (see attached) that enacted safety belt usage laws was 78.5%--with a high of 92% and a low of 61%. So the 70% usage rate after law enactment is conservative and the savings in lives could be more.

Based upon 1983 passenger car deaths of 237 in Kansas, and using the 80% usage figure and the 50% effectiveness level we could expect a savings of 95 lives in Kansas. At the 60% effectiveness level the savings of 114 lives annually would be expected.

The question now comes down to why state legislatures have not enacted safety belt usage laws?

The perennial argument against safety belt use legislation is the alleged infringement on an individual's right to choose to use a belt or not. However, there is no such unbroiled right to operate a motor vehicle.

First, operation of a motor vehicle and the associated use of the driving system, whether it be related to the driver, vehicle or environment, have always been regulated by government through driver licensing, traffic laws, limited access highways, vehicle standards, and many other requirements. The benefits of available safety belts give overriding evidence of the efficacy of requiring use as a crash avoidance control.

Second, the debate over the right to choose becomes moot when the costs to society in terms of medical, rehabilitation, unemployment and welfare services supersede the "right" of people to seriously or fatally injure themselves by not buckling up. Freedom does not include the liberty to take unreasonable risks with one's own life or the lives of others. The preponderance of evidence shows that riding unrestrained in a motor

vehicle is an unreasonable risk.

Two U. S. Supreme Court decisions upholding the constitutionality of state laws are germane to safety belt use requirements. In both the helmet and belt situation, the personal freedom issue is superseded by the costs to the public that follow preventable trauma:

"There is in the law no sanction of self-destruction, and certainly there is no right on the part of anyone to use public highways for risking or courting or seeking such self-destruction. Protection of the safety of all users of the highway even against the consequences of their own actions is a legitimate use of the police powers of the state."

Bisenius v. Karns, Wisconsin
Supreme Court, June 1969

"While we agree with plaintiff that the act's only realistic purpose is the prevention of head injuries incurred in motorcycle mishaps, we cannot agree that the consequences of such injuries are limited to the individual who sustains the injury.... The public has an interest in minimizing the resources directly involved. From the moment of the injury, society picks the person up off the highway; delivers him to a municipal hospital and municipal doctors; provides 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 plaintiff to think that only he himself is concerned."

Simon v. Sargent, Federal District
Court, November 1972

A safety belt use law is similar to other types of public health measures, such as compulsory immunization against communicable diseases. Road trauma is, in fact, a disease of epidemic proportions. If a rate of approximately 50,000 fatal and two billion disabling cases of cholera occurred, a national medical emergency would be declared. Motor vehicle crash injury may take a different form, but it is just as deadly. More importantly, the majority of injuries are preventable at the time of the crash.

Another issue that is raised is enforceability. Law enforcement officials traditionally have advocated safety belt usage. Endorsement of proposed safety belt legislation by enforcement officials at all governmental levels is essential. Moreover, the backing of those who must enforce a safety belt use law should reduce considerably any legislative opposition based on perceived enforcement problems. Enforcement of safety belt usage laws is normally undertaken in conjunction with the enforcement of other traffic violations. For example, other countries with a mandatory belt use law enforce safety belt use requirements when stopping motorists for other traffic violations. The lap-shoulder configuration allows officers to observe if belts are in use as they approach a motorist's vehicle.

The experiences of foreign countries that have enacted belt use laws show that attempts to evade the law usually fail. Ontario police, for example, have achieved enforcement

rates on the order of one citation for every six speeding charges. In Australia, far more objections were raised against belt use before the legislation than afterward. A consistent 10-year usage rate of about 80 percent bears this out. The most recent experienced in Great Britain of about 95 percent use three months after enactment of legislation clearly suggests that safety belt use laws, like many other statutes, are largely self-enforcing.

Thank you. I would be please to respond to your questions.

SUMMARY OF INCREASED SEAT BELT
USE, FATALITY REDUCTION AND EFFECTIVENESS
WITH MANDATORY USE LAWS

<u>Countries</u>	<u>% Use Rate</u>		<u>% Fatality Reduction</u>	<u>% Fatality Effectiveness*</u>
	<u>Before MUL</u>	<u>After MUL</u>		
Australia	30	80.0	22.5	39.6
Belgium	17	92.0	39.0	47.8
Canada	21	61.0	15.7	43.3
France	26	75.0	22.0	40.6
Great Britain	40	90.0	24.5	41.0
Israel	6	70.0	43.0	64.6
Sweden	36	79.0	46.0	77.0
Switzerland	<u>32</u>	<u>81.0</u>	<u>12.0</u>	<u>22.7</u>
Average	26%	78.5%	28.1%	47.1%

* Calculated as follows: $FE = \frac{FR}{UA - (1 - FR)(UB)}$

where: FE - Fatality Effectiveness
FR - Fatality Reduction
UA - Usage After the Law
UB - Usage Before the Law

Source: Final Regulatory Impact Analysis--Amended FMVSS 208
U.S. DOT Report DOT-HS-806-527, July 1984.

(6)

Traffic Safety--Mandatory Seat Belts, A Choice to be Made

Members of the Kansas Engineering Society with expertise in highway safety have followed with interest recent developments at the federal level regarding seat belt use and air bag restraint systems.

United States Secretary of Transportation Elizabeth Dole has decreed that 10% of the cars manufactured after September 1, 1986, must be so constructed as to permit the two outside front crash occupants to "survive" a barrier impact of 30 m.p.h. and to escape injury above "given limits", **without** the active participation of the occupants.

Translated into reality is that after September 1, 1986 front seat occupants, without seat belts, must be protected in frontal crashes equal to a 30 m.p.h. barrier impact. So far the recognized method of restraint for this occurrence would be the automatic deployment of air bags.

This protective requirement would increase in coverage to 25% of those cars built after September 1, 1987; to 40% after September 1, 1988; and 100% after September 1, 1989.

But the Secretary also stated upon releasing the announcement of the phase in of the passenger restraint requirements another option that might be considered. That option is, if by April 1, 1989, mandatory state seat belt usage laws have been passed in enough states to cover two-thirds of the United States' population, the requirement for passenger protection would be reseeded.

In other words the Secretary has said that if consumers would choose, via the action of their popularly elected state legislators, to do without the air bags they must then opt for mandatory seat belt use.

Engineers generally lean to a limitation of involvement by government in private citizen's activities. However in the case of highway safety significant portions of the cost of accidents are being born today by government for those persons unable to pay those costs associated with the accidents they have. And of course government is not just some faceless entity, government is the people. Therefore those costs of accident care and repair are reflected in our automobile insurance premiums and in other social costs that we all have to face.

A second aspect of this scenario is that nearly all cars and trucks now have seat belts installed. If these seat belts were utilized by a higher percentage of riders and drivers there would be no increased cost to the consumer in reducing the cost of accidents to our society.

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There have also been considerable studies presented to indicate that seat belts more completely protect the individual in case of an accident not only in the frontal crash impact situation but in collisions from the rear and the side.

Finally there is another statistic that is difficult to set aside. According to one U.S. Department of Transportation estimate lap-shoulder belts, which are in almost all cars, light trucks and vans, now would save 13,600 lives per year. The 13,600 figure was based upon 100% belt usage achievement. Although that 100% usage figure is highly idealistic it is estimated that even a one percent belt use increase among the population of the United States would equal the saving of 131 lives. Another statistical example is that in 1982, there were 20,800 front seat occupant fatalities. Accident analysis statistics in the same year however show that another estimated 1,566 individuals were saved by belt usage. If a mandatory seat belt act would even increase up to 50% of those driving using belts one could argue that there might be another estimated savings of lives of 11,083 people. Even if the mandatory seat belt act was only effective in securing 40% of the population to buckle up the estimate of savings in accidental deaths could amount to nearly 9,000 individuals. Another recognized safety group the National Safety Council, has estimated that belt usage could save anywhere from 12,000 to 16,000 lives each year.

Based upon the preceding analysis the Kansas Engineering Society recommends the Kansas Legislature consider a mandatory seat belt act to promote highway safety in this state in preference to the mandatory installation of air bags as a passive restraint.

Testimony Before the Kansas Senate Transportation
and Utilities Committee in Support of S.B. 144

February 21, 1985

by

Dr. Bob L. Smith, P.E., Professor of Civil Engineering, Kansas State
University, representing the Kansas Engineering Society

The Kansas Engineering Society urges you to pass S.B. 144 "The
Mandatory Seat Belt Law" for the following reasons:

1. The Highway Users Federation has estimated annual savings in
lives, injuries prevented and dollar savings if seat belt usage was required
and enforced would be:

	<u>Lives Saved Annually</u>	<u>Injuries Prevented</u>	<u>Dollar Savings \$ Millions</u>
Kansas	140	3,700	59

(based on 80% seat belt usage, average annual Kansas deaths
and injuries 1978-1982, injuries costed at \$7,000 each,
fatalities at \$240,000 each)

This is the best safety bargain we could possibly buy. The costs of
the program are minimal: almost all cars have seat belts; the enforcement
costs would be almost negligible; motorist education costs may vary from
none to substantial.

2. Seat belts assist the vehicle occupants in all types of accidents.

(a) Frontal; side hits; rear-ending

They also will make any air bag installations more
effective by preventing "submarining" on frontal hits and
keeping the front seat occupants "on line" with air bags in
quartering frontal hits. Air bags are of little assistance in
side hits.

(b) Seat belts will keep the occupant "in the car" thus
substantially safer.

(c) A rather subtle point in support of seat belt usage is
that the driver's control of the vehicle can be substantially
increased if the driver is belted. Imagine skidding in a
curved path so the unbelted driver is hurled to the passenger
side of the automobile. The driver can't even reach the brake
pedal, let alone steer the car to avoid a tree, a ditch, a
truck. The belted driver stays right behind the wheel and
brake pedal.

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3. Accident costs are a social problem. I and many of my colleagues lean to a minimum of meddling in citizen's activities by government. But significant portions of the cost of accidents are being borne by government for those persons unable to pay those costs associated with the accidents they have. Those accident costs are also reflected in my automobile insurance premiums I pay. I therefore, have to conclude that government has a significant enough monetary stake in this matter to be justified in passing mandatory seat belt legislation.

4. Finally, we believe the mandatory use of seat belts should be tried before embarking on an enormously expensive mandatory installation of air bags in cars. We believe automobile manufacturers should continue to be encouraged to develop air bag technology and eventually to have air bags as an option which car buyers can purchase if they desire.



POSITION PAPER OF THE KANSAS ASSOCIATION OF DEFENSE COUNSEL
ON THE PROPOSED MANDATORY SAFETY BELT LAW
(1985)

For more than a decade lap and shoulder belts have been required equipment in all American cars but their usage has been optional. The time has come to make safety belts as mandatory as a driver's license.

The Kansas Association of Defense Counsel has proposed that a mandatory safety belt law be adopted in Kansas. The KADC believes a law is necessary in light of the mounting evidence of protection seat belts offer. Consider:

It is estimated that 30% of lives taken annually in traffic accidents could have been saved by wearing safety belts.

More Americans between the ages of 1 and 24 die as a result of motor vehicle injuries than any other cause.

70% of deaths and injuries occur at speeds of 40 miles per hour or less and no more than five miles from home.

There has been a decrease of 40% in fatalities in countries where seat belts are mandatory.

The cost to taxpayers of state-supported institutions providing police, ambulance, emergency room and rehabilitation services and survivor payments for the disabled could be greatly reduced.

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Medical costs, lost work time, and potential liability for damages should you be sued by a non-seat belt wearing driver would be reduced.*

The KADC thinks that merely asking or expecting the motoring public to buckle up is not enough. The organization believes a mandatory safety belt law will not only educate the public but will finally provide the incentive needed under threat of a fine.

The proposed bill requires that an operator of a motor vehicle be restrained with a safety belt at all times. The bill also requires persons over the age of 5 sitting in the front seat to be restrained by a safety belt or, if they are 4 years or under, by a specially designed child seat. Violators would be fined. The bill also provides that evidence of non-usage of a belt could be introduced in a lawsuit as part of your defense. In other words, if another driver sued you for his accident injuries, you could produce testimony at trial as to how that driver's injuries might have been reduced had he been wearing a safety belt.

Thus far three states have passed mandatory seat belt laws. Another ten states, plus Kansas, have seat belt laws under consideration. Thirty foreign countries have enacted such laws.

The only argument raised against a mandatory safety belt law is that it rings of yet another government intrusion into our personal freedoms and liberties. By the same analogy, drivers should have the freedom to operate their cars after dark without headlights or to drive at any desired speed

through school zones.

Requiring drivers and passengers to buckle up serves to accomplish the societal interest in safety recognized years ago when safety belts became standard equipment. Interestingly, the public thinks nothing of buckling up safety belts on airline flights, even though the potential of reducing death and injuries is much greater by wearing a belt in traveling our streets and highways than our flight paths.

Statistics on the impact of safety belt usage offer mute testimony supporting the new law. It is estimated that use of safety belts could save 12,000-14,000 lives annually. The public could save \$5.2 billion in expenditures annually if four out of five drivers and passengers used safety belts. Motor vehicle crash injuries produce more new cases of quadriplegia (paralysis below the neck) and paraplegia (paralysis below the waist) than all other causes combined. In major automobile injury cases, 50% of the victims suffer brain damages, and 40% sustain spinal cord injuries.

The KADC is aware of efforts to require air bags be installed in new vehicles. However, because air bags are costly and face an uncertain future, and because today's vehicles are already equipped with belts, the KADC believes it is time to put the weight of the law behind the wearing of the belts. Our safety will not wait.

Let us all learn from the lives saved and injuries reduced since child restraints became mandatory three years ago.

Wearing a safety belt costs us nothing but the time it

takes to fasten the buckle. Yet it gives us the peace of mind that should an accident occur, we have an outstanding chance of survival. If a mandatory safety belt law nudges us into compliance, our freedoms and liberties will be enhanced, not lost.

FOR FURTHER INFORMATION

John J. Jurcyk, Jr.
McAnany, Van Cleave & Phillips, P.A.
P.O. Box 1398
707 Minnesota Avenue - 4th Floor
Kansas City, Kansas 66117
(913) 371-3838
KADC PRESIDENT

Wayne T. Stratton
Goodell, Stratton, Edmonds,
Palmer & Wright
215 E. 8th Street
Topeka, Kansas 66603
(913) 233-0593
KADC VICE PRESIDENT
CHAIRMAN, KADC LEGISLATION
COMMITTEE

William W. Sneed
Gehrt & Roberts
3400 S. W. Van Buren
Topeka, Kansas 66611
(913) 266-3650
KADC LEGISLATIVE COUNSEL

* Statistical sources provided upon request

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Kansas Congress of Parents and Teachers

Branch of the National Congress
STATE OFFICE, 1829 S. W. GAGE BLVD.
TOPEKA, KS 66604
913-273-2281

March 21, 1985

Mr. Chairman and members of the committee,

I am Gaila Hein, 1st Vice President and Legislative Chairman for the Kansas Congress of Parents and Teachers.

As an officer of Kansas PTA we are speaking for a membership of 60,000 representing all areas of the state, rural and urban: and all walks of life - parents, teachers, students, grandparents, senior citizens, school administrators, child care specialists, policemen, doctors and others who care about children and youth.

On their behalf, I want to thank you for passing more effective child restraint legislation last year, however, as this related to infants and children under five, we wish to be on record as supporting required seat belt use for all occupants of motor vehicles.

A resolution was passed at our State Convention in 1982, and at our National Convention in 1983, that the PTA would disseminate information regarding child restraint and safety belt usage and we would promote legislative action to strengthen the existing laws.

The following statistics are the reason for the overall concern of parents:

1. The number 1 killer andcrippler of children is motor vehicle accidents.
2. Everyone of us can expect to be in an auto crash once every 10 years.
3. For 1 out of 20 of us, it will be a serious crash.
4. For 1 out of every 60 born today, it will be fatal.
5. Studies show that the dramatic effectiveness of seat belt usage could prevent 90% of the deaths and 80% of the crippling injuries of traffic accidents.
6. Seat belt usage could reduce health costs significantly.

It takes about three seconds to buckle a seat belt. Only this week we observed, at a busy intersection in Overland Park, that out of 30 cars we counted three using seat belts. Cars have been equipped with lap and shoulder safety belts since the late 1960s and properly used, they can protect auto occupants in an accident. To make it work, there must be a commitment to doing everything possible to encourage to use of safety belts. The Kansas PTA is asking you to make every effort to see that the safety belt use act becomes a law, there is no countermeasure that has the potential return for so little monetary outlay as safety belt usage.

Thank you for allowing us to speak to this issue.

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Handout - Oscar Lewis
S.B. 144

James J. Kilpatrick



A conservative view *EF*

2-12-1985

Making us buckle up

Three states (New York, New Jersey and Illinois) already have adopted mandatory seat-belt laws. Thirty other states are actively considering such measures. Highway safety is a good cause, but it cannot justify bad law, and that is what we're drifting into here.

This sudden surge of legislative activity is the consequence of spontaneous combustion in the several capitals. It is the direct consequence of a federal regulation handed down by the secretary of transportation in July of last year. The regulation amounts to a form of blackmail. This is how it works:

Commencing in September 1989, all cars sold in the United States must be equipped either with air bags or with automatic seat belts — unless. This is the "unless". Cars must be so equipped unless states that together contain two-thirds of the U.S. population enact mandatory seat-belt laws by April 1, 1989. If enough states fall in line, the air-bag requirement will be nullified.

What we have here is a choice of compulsions. Would you rather be compelled to buckle up, under threat of fine or imprisonment? Or would you rather be compelled to pay several hundred dollars for an air bag?

Let us make distinctions. If we accept the evidence compiled by authorities on highway safety (and I know of no reason to challenge these studies), seat belts do indeed save lives. State troopers and other officials have kept records on corpses as the bodies are dragged from wrecked vehicles. In perhaps 4 percent of the fatalities, the occupants were in fact buckled up, but these crashes were of such severity that no one would have survived anyhow. In the overwhelming majority of survivable collisions, the dead are found unbuckled. The government estimates that if even 70 percent of occupants fastened their seat belts, 6,800 lives could be saved every year.

These and other data make a compelling case in favor of buckling up. They do not make a compelling case in favor of making us buckle up. There's the difference. These laws propose one more well-intended encroachment upon the right of free citizens to make their own choices about their own lives.

There is another objection: The government's proposition amounts to heads we win, and tails we win, too.

It is one more manifestation of the discredited theory that Uncle knows best. Our union was founded on the federalist principle of leaving wide areas of responsibility to the states. The idea was to encourage variety in political experiment. To the extent that federal programs deny such opportunities to the states, we weaken one of the foundation stones of our system.

The people, and the states, must be permitted wide latitude. If people fail or refuse to buckle up, they may die because of their disregard for their own safety. But carry the argument a step further. Let us suppose that some harmless, non-addictive drug were discovered that would affect us in all kinds of good ways: One tablet before driving would sober the drunk, arouse the sleepy driver, heighten our reactions to traffic hazards, improve our eyesight and enhance our judgment of road conditions. Then suppose that laws were to be proposed that would require all drivers to take such a tablet twice a day. We would hear the same plausible argument: Such laws would save 20,000 lives every year! But it is unthinkable that state legislatures would enact them.

There are dangers in reducing arguments to absurdities, but the rhetorical device has its use nonetheless. The question always must be: Where is the line to be drawn between freedom and compulsion? Historically we have drawn the line in terms of the danger that one person causes to another. We do not have laws that compel people to take baths, but we have laws of quarantine against contagious diseases. In historic districts, we leave a property owner free to do what he will with the interior of his house, but we insist that he do nothing to the exterior that will harm the property value of his neighbor's house.

When we get into this business of air bags and seat belts, we are talking about preserving our lives. Fine! But we ought also to be talking about preserving our freedoms — including, if you please, the freedom to be foolish.

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