

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on March 20, 1986 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Bruce Kinzie, Revisor of Statutes
Hank Avila, Legislative Research
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

Ms. Roberta Compton, Ottawa, Kansas
Mr. Harold McCoy, Topeka, Kansas
Mr. Ronald Ford, Manhattan, Kansas
Mr. J. D. Spradling, Topeka, Kansas
Mrs. Kathleen Pappalardo, Haverhill Massachusetts
Mr. Oscar Lynn, Topeka, Kansas
Mr. J. Glenn Logan, Hays, Kansas
Mr. George Blevins, Lawrence, Kansas
Mr. Joe Kreipe, Topeka, Kansas
Mr. Jerry Monhollon, Topeka, Kansas

The meeting was called to order by Chairman Crowell and the first order of business was a hearing on SB-520 concerning the requirement for use of safety belts in automobiles.

Ms. Roberta Compton, Ottawa, Kansas, testified in opposition to SB-520.
(See Attachment 1)

Ms. Compton told the Committee she uses a safety belt when riding in an automobile and encourages her family to do the same. She stated the question is not mandatory seat belt laws, however, it is the sovereignty of the state of Kansas and its vulnerability to blackmail by bureaucrats in Washington.

Mr. Harold McCoy, Topeka, Kansas, gave testimony in opposition to SB-520. (See Attachment 2) He said passage of SB-520 would be largely ineffective, give a false sense of accomplishment and take away the free choice of the people.

Mr. McCoy recommended massive public education concerning the use of safety belts, as well as the better manufacture of automobiles with safety in mind.

Mr. Ronald Ford, Manhattan, Kansas, testified in opposition to SB-520. He stated he was involved in an automobile accident and was thrown from the vehicle. Mr. Ford said he felt he would surely have been killed had he been fastened in by a safety belt.

Mr. J. D. Spradling, Topeka, Kansas, gave testimony in opposition to SB-520. (See Attachment 3) He stated SB-520 is a freedom restricting bill. He added he has no objection to wearing safety belts, however, doesn't wish to be demanded by the government to do so.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~am~~/p.m. on March 20, 1986

Mrs. Kathleen Pappalardo, Haverhill, Massachusetts, testified in opposition to SB-520. (See Attachments 4, 5 and 6)

She stated that the national push for mandatory seat belt laws is a deceptive campaign being financed by auto manufacturers to avert the threat of government mandated air bags.

Mr. Oscar Lynn, Topeka, Kansas, testified in opposition to SB-520. Mr. Lynn said he believes the decision to use or not use a seat belt is a personal freedom which should be left to the individual.

Mr. J. Glenn Logan, Hays, Kansas, gave testimony in opposition to SB-520. He stated he believes it is a violation of his rights to be told safety belts must be worn when traveling in an automobile.

Mr. George Blevins, Lawrence, Kansas, testified in opposition to SB-520. He told the Committee he is a combat veteran of the Vietnam war, and spent a year fighting a hostile, aggressive, totalitarian government. He added that 17 years later, he finds he is doing essentially the same thing, as the mandatory seat belt law is "totalitarian".

Mr. Joe Kreipe, Topeka, Kansas, spoke in opposition to SB-520. He said he is not opposed to persons using safety belts, but he feels passage of SB-520 would be an infringement on his personal rights to choose.

Mr. Jerry Monhollon, Topeka, Kansas, testified in opposition to SB-520.

The hearing on SB-520 was concluded.

The meeting was adjourned at 3:15 p.m.


Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transportation

DATE: 3-20-86

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
Michael E. Francis	334 S. Cardington ^{Wichita} KS	Close up-KANSAS
Jenisa K. Umruh	10921 W. Beaumont ^{Wichita} KS. 67209	" "
Mary L. Porter	4514 D. Cherry ^{Wichita}	Close up-Ks.
Mary Smith	3241 S. Mt. Carmel ^{Wichita} KS 67217	" " "
Diana Redger	330 S Tyler #313 ^{Wichita} KS	Close up-Kansas
Terry Fehrenbach	506 E. 2nd Haven KS	Close-up Kansas
Cheri Reeves	Box 274 Mt. Hope, Ks. 67108	Close-up Kansas
TINA SUCKMAN	Box 129 Mt. Hope Ks 67108	Close-up Kansas
Ezio Jordan	Box 293 Haven, Ks 67543	Close-up Kansas
Sharon Bartel	Rt 4 Box 6 McPherson Ks.	—
Stone Salter	516 S. Ash McPherson	—
Jaimee Salter	516 S. Ash McPherson	—
Terry R. Salter	" "	—
Jeremy Salter	" "	—
Mary Liebekhaus	1700 S. National FSK 67607	Close-up
Andruskielice	RR #1 Box 132	Close-up
Kenneth Kauffman (Ken Kaufman)	Rt 1 Box 116 ^{Eureka, Ks} Hutchinson 67512	Close-up
Pam Shive	Box 299, Haven, ⁶⁷⁵⁴³ KS	Close-up Kansas
Ronald M Ford	2336 Brockman	—
Dawn Ford	2336 Brockman	USDA, FCIC
Bill Henry	Topeka, Ks	Ks Engineering Society
PAT BARNES	TOPEKA, KS	Ks. Motor Car Dealers Assn
JIM SULLINS	"	Ks. Motor Car Dealers Assn
JIM KILROY	HIGHLAND PK, MI	CHRYSLER CORP.
LEIGHT NICHOLS	OKLA CITY, OK	MVMA
Lane A. [Signature]	TOPEKA	KOHE

Pat Hleweno	HC32 Box 471 Hays	Close-up
Erik Schmeller	510 W 31 ST. 67601	Close-Up
Chuck Peters	HC39 Box 16 Hays	Close-Up
Terri Staab	1110 Centennial Blvd. Hays	Close-Up
Julie Robinson	3314 Willow Hays	Close-Up
Tina Maska	209 W. 31 st Hays	Close-Up
Roberta Compton	Rt 4, Box 99, Ottawa	Testimonial
Julie Thompson	3420 Robin, Rd. Man.	close-up
Allison Vasay	6621 Anderson, Man.	close-up
Karl Kandt	2101 Blue Hills Rd. Manhattan, Kansas	Close-Up
Michay Legart	5204 Lerette Manhattan, Ks	Close Ups

GUEST LIST

COMMITTEE: Transportation

DATE: 3-20-86

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
DAN SCHILLY	Atchison	Benedictine College.
Lucas Pappalardo	ma	self
Marie Cappalith	Topeka	self
Jo Hamilton	Holt	self
Carolyn Snowbarger	Olathe	
Lt. Bill JACOBS	TOPEKA	KHP
Frank Carpinelli	Atchison	Benedictine College - Journalism
JACQIE SPREADING	TOPEKA	SELF
Nelen Stephens	Topeka	Ko. Eng'g Society
Bob Storey	Topeka	TSN
USA Epps	Ft. Scott	Close-Up KS
Belinda Lyons	Ft. Scott	Close-Up Ks.
Janelle Kuble	Fort Scott	Close-Up
Johnny Cantrell	Ft. Scott	Close Up K.
May Ettay Smith	Fort Scott	Close Up
Leonard Koci	Topeka	Concerned Citizen
Joseph A Kriese	Topeka	citizen
Jerry Monhollon	Topeka	Citizen
Ruth Monhollon	Topeka	citizen
Bruce A Silkey	Lawrence	citizen
George R. Hewins	Lawrence	citizen
Oscar Lind	Topeka	citizen
Connie Patra	Wichita	"
Abbe Jones	Lawren	Daily Kansan
Inelly Minton	Hays	Close-Up Kansas
Ralph Schlick	Hays	Close-up Kansas

(over)

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE - I WANT TO THANK YOU FOR ALLOWING ME TO VISIT WITH YOU TODAY.

I HAVE BEEN HEARING A RADIO COMMERCIAL PAID FOR BY PROPONENTS OF THE CONTROVERSIAL SEAT BELT LAW WHICH STATES; ~~THE~~ SEAT BELTS SAVE LIVES, A MANDATORY SEAT BELT LAW WILL REDUCE INSURANCE PREMIUMS AND THAT 70% OF THE CITIZENS OF KANSAS ARE IN FAVOR OF THE BILL.

I WOULD BE A FOOL TO STATE THAT I AM OPPOSED TO SEAT BELTS. I HAVE HEARD MANY EXCUSES FOR NOT WEARING THEM BUT I FIRMLY BELIEVE SEAT BELTS SAVE LIVES. I WEAR A SEAT BELT AND HAVE SINCE I FIRST STARTED DRIVING A CAR 26 YEARS AGO. I ENCOURAGE MY SON AND HUSBAND TO WEAR SEAT BELTS - HOWEVER, I DO NOT FEEL IT IS MY RIGHT TO FORCE OTHERS TO MAKE THE DECISION THAT I HAVE MADE. THAT IS WHAT THIS WHOLE THING BOILS DOWN TO - MAKING SOMEONE ELSE'S DECISIONS FOR THEM.

I RAISE A QUESTION TO THE ADVOCATES OF THIS BILL ABOUT THEIR 70% FIGURE OF PEOPLE IN KANSAS WHO ARE IN FAVOR OF THIS TYPE OF LEGISLATION. ON FEBRUARY 21, 1985 WIBW TELEVISION RAN A TELEPHONE POLL ON THE QUESTION. THEY RECEIVED 858 RESPONSES - 278 IN FAVOR AND 560 OPPOSED. THE FARMER STOCKMAN NEWSPAPER RAN A POLL IN FEBRUARY OF THIS YEAR. THE QUESTION DREW RESPONSES FROM 2044 READERS, 838 FROM KANSANS. THE RESPONSE WAS 87.4% AGAINST THIS LAW. ALTHOUGH NOT VERY SCIENTIFIC I RAN MY OWN POLL - I TALKED TO 50 PEOPLE IN MY COMMUNITY - 44 ARE OPPOSED TO THIS LEGISLATION. THESE CITIZENS DO NOT WANT THE STATE OF KANSAS MAKING THEIR PERSONAL DECISIONS.

INSURANCE RATES? I CALLED MY INSURANCE COMPANY AND ASKED IF RATES WOULD BE COMING DOWN IF THIS MEASURE PASSES. THE HOME OFFICE HAS NOT ISSUED INSTRUCTIONS TO MY LOCAL OFFICE, HOWEVER, THE FEELING IS THAT IF RATES ARE LOWERED IT WILL BE MINIMAL. THE BIGGEST PART OF MY INSURANCE PREMIUM IS FOR COLLISION - WHETHER OR NOT I WEAR^A SEAT BELT WILL HAVE

H. Transp. 3/20/86
Attachment 1

NO BEARING ON MY COLLISION COVERAGE. I TALKED WITH THE KANSAS INSURANCE COMMISSIONER'S OFFICE AND LEARNED SOME INTERESTING FACTS. SOME INSURANCE COMPANIES ARE ALREADY OFFERING REDUCED RATES FOR USAGE OF SEAT BELTS, AND SOME, LIKE MY OWN COMPANY, ARE OFFERING AN ADDITIONAL SUM TO BENEFICIARIES OF AN INSURED PERSON KILLED WHILE WEARING SEAT BELTS. GENERAL MOTORS OFFERS A SIMILAR PAYMENT TO PERSONS BUYING ANY NEW GM AUTOMOBILE. THE IDEA IS THAT IF THEY CAN'T GET PEOPLE TO WEAR SEAT BELTS FOR THEIR OWN SAFETY GIVE THEM A MONETARY INCENTIVE.

THE QUESTION IS NOT MANDATORY SEAT BELTS LAWS -- THE QUESTION IS THE SOVEREIGNTY OF THE STATE OF KANSAS AND ITS VULNERABILITY TO BLACKMAIL BY BUREAUCRATS IN WASHINGTON. SOME STATES OF OUR COUNTRY ARE ALLOWING THEMSELVES TO BE BLACKMAILED - KANSAS INCLUDED. ISN'T IT TIME WE STOOD UP AND SAID NO!

EARLIER I STATED THIS ISSUE COMES DOWN TO MAKING SOMEONE ELSE'S PERSONAL DECISIONS. IF THIS BILL BECOMES LAW YOU AS OUR LEGISLATORS WILL BE FORCING THE GOVERNMENT OF KANSAS TO MAKE PERSONAL DECISIONS FOR ITS CITIZENS - YOU WILL BE ALLOWING THE FEDERAL GOVERNMENT TO MAKE DECISIONS FOR KANSANS. A VOTE OF NO IS NOT A VOTE AGAINST PERSONAL SAFETY-- IT IS A VOTE FOR PERSONAL FREEDOM.

I URGE YOU TO VOTE NO TO SENATE BILL 520.

ators

My name is Harold Mc Coy. I own an independent insurance adjusting company. I have 35 years experience as an investigator and adjuster.

I speak, here, today against the adoption of a seat belt law. Not because the use of seatbelts would not save lives and prevent serious injury, because they would, there is little doubt about that.

What I will attempt to show is that a law would be largely ineffective, give a false sense of accomplishment and takes away the free choice of the people.

I will, ^{ALSO} attempt to show a better way to accomplish your goal. I will attempt to show that my opinion is the same as that of ~~many~~ entities who have made in-depth studies of the question.

In short, I will attempt to show that public education and legal requirements placed on the manufacturers of automobiles is the better choice.

There is no question that lap ^{belts} plus shoulder belts are effective in preventing deaths and severe injuries. I will give some data later to support this position.

I have consulted with safety engineer Dale Romaine of the American Society of Safety Engineers. They have made an in-depth study of all aspects of the seat belt question. He said, "they have made a study of the effects of seat belt laws already ~~passed~~ passed, notably in New York and Illinois. In those states the reduction of deaths and serious injuries were dramatic after the passage of seat belt laws. However, the success was short lived. In just a few months the people ignored the law and the level of deaths and serious injuries returned to the point reached before the laws were passed." In short, the people ignored the law, once it was not in the forefront of their attention."

Engineer Romaine, myself and most others who are intimately involved in the seat belt controversy seem to be in agreement the seat belt laws are largely ineffective and unenforcable. We are, ~~hopeless~~ ^{ALSO} in agreement that a saturation plan of public education is the best means to combat the deaths and serious injuries in automobile accidents. It must be a saturation program and a continuing one to be effective. The society has an effective tool for such a program. It is a video program entitled, "Belts Make Sense."

However, Mr. Romaine and I agree there is a more effective means to reduce the deaths and injuries. It is to require American cars or others distributed in America to have certain features built into the car. And-we are not referring to Air Bags. Air Bags have proven ineffective on lateral impacts. Also, the mechanics of the Air Bag can prove hazardous through mechanical failure. ~~And~~ And, after their use, it can be very expensive to replace the bag for future use. We suggest a passive restraint system be installed in all automobiles. The best example of an excellent system can be found in the Volkswagen Audi. It is effective! The system automatically activates when entry is made into the vehicle.

H. Transp. 3/20/86
Attach. 2

However, even more is needed to reduce deaths and injuries. ^{Shoulder belts and} seat belts alone are not enough. Every car should have a system of side rails and roll bars.

In other words, if there is to be a law, it should be to the auto manufacturing on a national level. Any other law seems ineffective with the passage of time. Enforcing a seat belt law seems to be impracticable. Enforcement generally would come after an accident or in routine traffic violation stops by the police. Tickets would be issued to people who already seem to have enough problems. The ticket would not make any other person aware of the advantage of using a seat belt. And, if the person is still alive, he would be assumed to have already learned his lesson the hard way. In routine traffic stops we assume people would be buckled up before the officer reached the car door. Laws on Prohibition did not work and we think laws on seat belts would not work either. It might generate some revenue from fines, but otherwise it would not have much effect, as has been proven in New York and Illinois. Public mass education is a far better answer.

I would suggest that the law be held up and a mass education effort be initiated. If that fails, then perhaps a law might be indicated.

There is a mass of information available now. There has been enough time to gather volumes of statistics and information. These can be used to provide a mass educational effort which we believe would be effective. One example of one that has worked pretty well is the campaign against smoking.

The problem here is that the public generally is not aware of the benefits of shoulder and lap belt benefits. I would be glad to assemble the data for you at no charge other than to cover the expenses involved. This data would include the figures on the seat belt laws already passed in other states.

There are also other considerations. I believe you need data from the legal sector. Kansas is a comparative negligence state. In my lay opinion, a seat belt law would in fact open a "can of worms." Section 8.01 of the Kansas Pattern Jury Instructions, commonly referred to as "PIK" states in effect that a violation of the law is negligence per se. In other words, if there is a seat belt law, the wearing or not wearing of a seat belt would influence liability. At present, no reduction in settlement value is made based on severity of injury or the fact whether or not a seat belt was in use. In my experience, the wearing or not wearing of a seat belt does not create accidents. I have investigated an accident that happened because a person was attempting to hook-up the belt, but that is a rare occurrence and is not related to death and severity of injury. That one was decided on inattentiveness to the road ahead. An example in print (hypothetical) might be a drunk coming across the center line and striking the vehicle of a driver without fault. If that driver were not wearing a seat belt and a seat belt law was in effect, he could enter the comparative negligence area and be denied recovery that he was otherwise entitled to or at least have any amounts reduced. This would not be fair to a person who did nothing wrong. I am sure you can see the problems created here.

I previously stated I would give some figures provided me by the American Society of Safety Engineers. They may be of some interest to you.

(1) There is some validity to the argument that seat belts can be hazardous in certain lateral impacts and roll overs. However, they are so few and far between as to be considered very negligible.

(2) Lap and shoulder belts reduce the number of deaths and serious injuries by 60%.

(3) Out of every 100 accidents involving death, 57 persons would have survived had they used seat belts and shoulder belts.

(4) Studies of persons being ejected from the vehicle as opposed to being restrained within the vehicle show the risk of death or serious injury is 25 times greater when ejected.

These statistics alone would seem to justify a seat belt law. However, statistics also exist to show seat belt laws are ineffective over the long run. People simply forget about them or otherwise ignore them over the long run.

The answer then is not to pass a seat belt law. It would be an unpopular law just as was the attempt at prohibition. No one is thinking of passing a law against cigarettes, yet the deaths and disabilities from smoking is probably higher than from auto accidents. In that area, public information is being used and it seems to be effective. We suggest public information as the answer here.

And as we have stated, the ^{final} ~~real~~ answer is better design of the automobiles. Passive restraint systems such as the Volkswagen Audi, roll bars and side rails. When and if this happens the deaths and serious injuries will be materially reduced. Certainly autos would be more expensive, but it would be worth it. Think of the families being together, the large reductions in medical expenses, and I am certain, large reductions in the cost of auto insurance.

The private sector is attempting to show benefits to the public by offering free life insurance payments for persons killed while they were wearing seat belts. I think the private sector can do more than legislation to educate the public on the benefits of the lap and shoulder belts.

In summary gentlemen, the answer is not a law but education and the better manufacture of automobiles with safety in mind. You can undertake an education plan, you can require the manufacturers to support such a plan. I am sure the insurance carriers would also contribute although I can not speak for them. And, I believe the law would have a harmful effect on injured parties who would then fall under comparative negligence if a seat belt law is passed.

Finally, I come to my feelings as a person. I don't like to be told what to do by government as long as my conduct does not effect other people. I would rather make my own intelligent choice based on knowing the use of lap and shoulder restraints could prevent death or disabling injury thus continuing my productive years for my family. Thank you.

J. D. SPRADLING - 3/20/86 - S-520
J. D. Spradling

I want to stress the fact that this freedom restricting bill and all those preceding it have had and will continue to have a domino affect upon our rights until we have lost them all, such as the helmet law, gun control, and airwave reception law, to name a few.

Have you noticed most of the freedoms we are losing, are dealing with safety? What is the explanation for this?

Federal and state governments are telling the american people that we the government are going to protect you against yourself. In that kind of system, the people cannot be free people. This system or form of government is better known as communism.

Where will it end? I will tell you where it is ending. Parental rights are gone. We have federally funded daycare centers, in which the children are being raised, educated and molded by the state. In this way the children will be brought up with the state's beliefs, not questioning when more of their freedoms are taken from them. It is obvious that this generation will not know freedom as you and I know it today, because secular humanism is in and morality is out.

In regards to the argument that driving is a privelage and not a right, my response is that you are correct in this assumption. However, while driving is a privilage, what you wear while you drive is your right, whether it be seat belts or sun glasses.

It is hard for the representatives to do the job in which their constituents voted them into office for, when the federal government tells the state that it will cut state highway funds if the state doesn't control its people to drive 55. This same principle may be seen in this bill. In accomplishing the advertising for this bill, the government has spent hundreds of tax dollars to promote the passing of this bill, although the people don't want it, as you will see by the petition full of signatures I have brought.

I am also in question about the fact that the government passes laws to require the people to use products and then they raise the price of these products in the name of big business. Who are the supporters of this bill, the seat belt manufacturers?

We have allowed government to become all too powerful today, as we have foolishly exchanged freedom for security.

The declaration of independence states that governments derive their just powers from the consent of the governed and that whenever any form of government becomes destructive of these freedoms, it is the right of the people to alter or to abolish the government.

I am not alone in my beliefs. I have over one hundred signatures that are registered voters. It is for the before stated reasons that it is mandatory we put a stop to the rights being denied the people of the United States, and thereby necessary for this bill to die in the Senate.

H. Transp. 3/20/86 Attach. 3

TESTIMONY OF KATHLEEN M. PAPPALARDO

(former Regional Director, Highway Users Federation, and former Project Coordinator, New Hampshire Highway Safety Agency)

IN OPPOSITION TO HOUSE BILL 25

My name is Kathy Pappalardo, and I'm here today to testify in opposition to a mandatory seat belt law. Since my intent to testify here last Tuesday was already reported quite openly in the news media, many of you have already read either excerpts of my testimony prepared for that date, or perhaps have even read what I had prepared in its entirety. While I have copies of that earlier testimony which I shall provide to you, my testimony here today will only reiterate some of its more pertinent points. I shall, however, expand on certain issues for reasons which I shall ultimately explain.

My earlier prepared testimony reached its concluding remarks when I stated: "I guess that I have always believed that if something is right, then it's right, and people will recognize it --- there is no need for maneuvering, or high-pressure tactics, or expensive sales pitches." I think that perhaps my testimony should begin with those remarks rather than end with them. Last Tuesday and today, the duties of legislators remain the same --- to analyze what you are hearing, to judge the credibility of the people to whom you are listening, and to make decisions on issues which will affect the people of New Hampshire based on what is proper, truthful, and reasonable, but not based on rhetoric, misinformation, outright propaganda, or even worse, based on engineered attempts to bother your consciences.

Just as I state that you should judge the credibility of those whom you will hear testify, I expect you to judge my credibility as well. I am a former eight-year Regional Director of the Highway Users Federation of Washington, D.C. who was responsible for the activities in the states of Maine, Massachusetts,

H. Transp. 3/20/86
Attachment 4

and New Hampshire throughout that time, as well as having responsibility for Vermont for a brief period. In addition to working with most of the major business organizations and safety associations in each state, and coordinating each state's Highway Users Conference (in New Hampshire, the N.H. Highway Users Conference), I also worked on many, many state and national legislative issues throughout the years. In 1985, one of my responsibilities was to work toward obtaining mandatory seat belt legislation throughout my region. Here in New Hampshire, I was a registered lobbyist, and among other things, initially organized the N.H. Alliance for Safety Belts, and was the person who wrote the 1985 grant proposal for \$98,300 to Traffic Safety Now to be used in the effort to get a seat belt law here in the state.

As you indubitably know at this point in time, Traffic Safety Now, or TSN, is that new organization formed by U.S. automakers to manage and disburse a \$20 million slush fund created by the auto industry in response to the July, 1984 dictate to the industry by U.S. Department of Transportation Secretary Elizabeth Dole to pass mandatory seat belt laws across the nation which would cover 2/3 of the nation's population, or face a government mandate of placing airbags or other passive restraint systems in all U.S.-manufactured automobiles.

The Highway Users Federation's interest in the issue is quite simply explained --- HUF is funded in major part by the auto industry. As a matter of fact, HUF was particularly beholding to the auto industry in 1984 and 1985 because it owed much of its survival to the industry and to the new funds being expended to obtain mandatory seat belt laws. In 1983, HUF was in severe financial difficulty, a difficulty which led to drastic program and personnel cuts. In late 1983, I was one of the many casualties of the financial dilemma, and was laid off along with many others. In the fall of 1984, after the creation of the \$20 million slush fund, HUF's finances improved considerably. Not only

page three

was I offered my position back, but new people were hired, and quite frankly, HUF was on a roll, right down to regional field offices like my own receiving unprecedented office equipment and the like. As you may remember, HUF became much more visible, and here in New Hampshire, attracted much attention when it hired the former N.H. DPW and Highways Commissioner John Clements to be its president at a salary rumored as \$120,000 per year, and hired Chuck Livingston, the executive director of the Presidential Commission on Drunk Driving, for a newly-created position in which he would deal exclusively with the issue of seat belts. When I officially returned to HUF on January 1, 1985, I knew that I would be working on the seat belt issue. What I did not know was just exactly what I would be expected to do.

During my fifteen-month furlough from the Highway Users Federation, I was very fortunate to have a position here in New Hampshire when I worked as a Project Coordinator for a new statewide program being implemented with federal funds by the N.H. Highway Safety Agency. I was even more fortunate as a state of N.H. employee to have as my superior Jay McDuffee, who is a person whose honesty is as recognizable as his photograph throughout the state. In that position, I worked in approximately 50 different New Hampshire communities, and personally dealt with people in law enforcement, in public health, in the judicial system, in the business community, in the school systems, and most of all, quite literally, with hundreds of private citizens throughout the state. It has been my pleasure to remain close to many of these people.

Prior to my HUF employ and to my State of New Hampshire employ, I worked for several associations and businesses via my own public relations business, and was reasonably well-known in Massachusetts politics where I was involved in several taxpayers' dollars issues. On a personal level, I previously resided in Londonderry, N.H., and currently reside in Massachusetts, where there is a new

seat belt law. If my real estate agent is doing what I requested, I may be a resident of New Hampshire again very soon.

I should say now, with great emphasis, that I do not have any argument whatsoever with the voluntary use of seat belts. I have used mine since 1974. I do have a very major problem however with the present effort to pass mandatory seat belt laws throughout the nation. Legislators in nearly every state have been told or are being told that we are looking at a major public health issue, and that this is the only consideration which should be given to seat belt legislation. The public is being asked to accept laws which will dictate their personal behavior by an industry which has kicked and screamed to avoid the gallows on reprehensible automotive safety decisions time and time again. The seat belt proponents have told story after story about blood on the highways caused by not wearing seat belts. All of a sudden, the American automobile industry would have us all believe that our health and welfare is of paramount importance to them --- motherhood and apple pie style. People are being absolutely overwhelmed by the statistics which are being bombarded at them --- all of which are of course presented in a manner completely supportive of seat belt laws. But, ladies and gentlemen, you are not supposed to ask too many questions, just believe. The American automobile industry and its many paid servants, and its few unpaid volunteers, are rewriting Pollyanna, and requesting that you throw out all of your other books. The very same industry which caused legislators all around the country to pass "lemon car laws" asks you to believe its veracity. The very same industry which currently attempts to circumvent existing "lemon car laws" is saying ... "aw shucks, we're honest." The very same industry which claimed ignorance about little things like the Ford Pinto's traveling potential for explosions, the General Motor's slipping transmissions, the faulty steering mechanisms, the rear wheels that fell off, the doors that wouldn't close, and all of the rest of the life-threatening safety deficiencies, today is spending \$20 million to tell you how concerned they are for your safety.

Today, you are witnessing one of the most incredible and expensive public relations and lobbying efforts ever undertaken in American industry. Paid seat belt advocates will tell you that Ford is offering airbags in two models this year, and will cite that the industry has been supporting mandatory seat belt laws practically since Henry Ford sold his first car, but, the \$20 million slush fund cannot invent a history that in reality does not exist. I ask you to reflect back --- do you ever remember a major national push for seat belt usage or laws prior to the infamous day in July, 1984 when Elizabeth Dole issued her supposed "final rule" to the auto industry ???

Stop and consider what \$20 million will buy. In every state, TSN has paid lobbyists, a fact that is deliberately soft-pedaled. In almost every state, there is a so-called "seat belt coalition" funded by TSN. High-priced public relations firms have been hired nationally and on the state levels to develop effective seat belt propaganda. Ads are appearing everywhere --- in newspapers, and on the radio, and on television stations, to create a true media blitz. Expensive public surveys are being commissioned to help plan strategy. Millions of brochures, publications, bumper stickers, buttons, key rings, and other paraphernalia are being distributed. Peculiar-looking "seat belt convincers" roam the countryside. Hundreds of people are on payrolls funded directly or indirectly by the auto industry to work in states like New Hampshire to pass seat belt laws. Receptions and dinners are being held to influence legislators.

Let us look at a few examples. In Massachusetts, a former General Motors public relations executive was hired to serve as the executive director of the Massachusetts Seat Belt Coalition. The initial TSN grant for the Massachusetts Coalition was in the vicinity of \$180,000 for the first year. In addition, two of the most expensive and prestigious lobbying firms in the state were hired to influence the Legislature. In Rhode Island, the Rhode Island Highway Users'

Conference received a TSN grant to form a seat belt coalition and to hire its executive director. The Coalition office was located in the premises of an officer of the Rhode Island Highway Users Conference. In Maine, approximately \$80,000 was granted by TSN to begin a seat belt coalition, and two lobbyists were hired --- one for the House, and one for the Senate. In Vermont, another figure approximating \$80,000 was given by TSN to initiate support for a bill for which it would be difficult to find legislative sponsorship. In Connecticut, the executive director of the Connecticut Seat Belt Coalition was given a job at the TSN headquarters in Detroit --- in fact, she testified before you last week. In New York, the New York Seat Belt Coalition consisted of exactly three people: Dr. John States, who has long been willing to travel the country to testify on auto-related issues; Ms. Elaine Petrucelli of the state of Illinois, director of the Physicians for Automotive Safety, who also testified before you last week; and my former counterpart, John Newman, Regional Director for the Highway Users Federation in that region. It should be noted that Ms. Petrucelli's group receives funding from the Highway Users Federation, and possibly from other auto industry sources. These are only a few examples of what transpired in late 1984 and in 1985 alone! Incredibly enough, in November of 1985, the Highway Users Federation presented its first annual award via its paper affiliate, the Automotive Safety Foundation, the Stanley W. Gustafson Leadership Award. Actually, it was shared by two people, N.Y. Senator Norman J. Levy, the principle sponsor of the seat belt bill in the N.Y. Senate, and N.Y. Assemblyman Vincent J. Graber, the sponsor of the seat belt bill in the N.Y. House. Incidentally, this honor consists of \$5000 cash prizes. We could go on and on, but, let's get back to New Hampshire.

In New Hampshire, I wrote the TSN grant proposal for \$98,300 to fund the efforts of the association which I was ordered to organize, namely, the N.H. Alliance for Safety Belts. This money was for use during a twelve-month period,

with a new grant to begin in February of 1986. This 98,000 was not limited to this amount --- at anytime, a supplement could be requested.

In January of 1985, Russell MacCleery of Chichester, N.H. negotiated his own contract with TSN to serve as their lobbyist in New Hampshire for a one-year period at a fee close to \$50,000. He worked out the details of his contract directly with Tom Hanna, who was then a Vice President of the Motor Vehicle Manufacturers Association, as well as the acting President of TSN. Today, Tom Hanna is President of the Motor Vehicle Manufacturers Association. When Russell himself was a Vice President of the Motor Vehicle Manufacturers Association some years ago, he hired Tom Hanna as his employee. It's also worth noting that for many years Russell was also employed by the Highway Users Federation, and has been Chairman of the N.H. Highway Users Conference for the past several years.

On February 7, 1985, I received a dictate from the Motor Vehicle Manufacturers Association to meet with someone completely unknown to me, Dr. Gary Woods of Concord to discuss his potential presidency of the N.H. Alliance for Safety Belts. MVMA was directed to Dr. Woods by Ms. Elaine Petrucelli of the Physicians for Automotive Safety, which I mentioned as being funded by the Highway Users Federation. I also mentioned that Ms. Petrucelli was a founder of the New York Seat Belt Coalition with Dr. John States of New York. Coincidentally, Dr. Gary Woods, before relocating to New Hampshire three or four years ago, and a native of California, was in practice with Dr. John States, a longtime friend of the auto industry. As you can surmise, very little dealing with seat belt coalitions has happened by accident --- we paid robots of the auto industry were trained to do our work well and efficiently.

The history of the N.H. Alliance for Safety Belts is an interesting one,

particularly when one considers that in every sense of the word, it was created as nothing more than a guise in an attempt to convince legislators that there was the support of private citizens for a mandatory seat belt law.

While many of you will remember the parade of supporters who testified at last year's legislative hearing on seat belts, perhaps many of you have forgotten who testified. Let us reflect back --- this is very easy for me since I was charged with putting together the public relations extravaganza for the event. The president of TSN testified. The president of HUF (funded by the auto industry) testified. Ford Motor Company testified. The New Hampshire TSN lobbyist testified. The regional administrator for the National Highway Traffic Safety Administration (NHTSA), an arm of the U.S. Department of Transportation testified. The sentiments of the Physicians for Automotive Safety (funded by HUF) were heard. I believe that you're getting the picture. While other spokesmen for various groups testified, the major show of support for a mandatory seat belt law came from the hired hands of the auto industry. We imported people from states like New York to come here to address New Hampshire legislators. More than a couple of Concord's restaurants were delighted to see us all come tripping through while on expense account. The N.H. Alliance for Safety Belts offered testimony which suggested the support of hundreds of New Hampshire citizens --- in reality, the Alliance consisted of the following: Dr. Gary Woods, its current president; Russell MacCleery, the TSN lobbyist in New Hampshire; one businessmen whom I talked into participating, who probably never forgave me for it, and who ultimately resigned a few weeks later; a New England Telephone Company representative who lived in Massachusetts; and the regional legislative agents for the Motor Vehicle Manufacturers Association (who lived in New York), for the General Motors Corporation (who lived in Massachusetts), for the Ford Motor Company (who lived in New York), and for Chrysler Corporation (who lived in New Jersey). Finally, there was myself, who was on the pay-

roll of the Highway Users Federation, and who lived in Massachusetts. That was the entire N.H. Alliance for Safety Belts. By accident, a couple of private citizens showed up that day to testify, along with one or two of Dr. Wood's medical counterparts.

Perhaps you think that after the public hearing, the N.H. Alliance for Safety Belts grew. It did not. When I resigned as its Vice President on May 30, 1985, the membership was the same.

You could ask what transpired between January and the end of May. Not an awful lot. While I attempted to recruit private citizen membership, New Hampshire private citizens made it rather clear that they were not supportive of a mandatory seat belt law. Plans were made to purchase a \$7000 "seat belt convincer" apparatus, which supposedly would influence the citizenry. An office was opened in Salem, but was moved to Concord by Russ MacCleery and Gary Woods in order to be near the State House. In so doing, a broken lease had to be paid, and a considerable amount of money was literally thrown away on telephone service charges, non-transferable postal permits, thousands of pieces of letterhead stationery, and such other things which went into a state of being obsolete with the move. A reception was arranged by Rep. Toni Pappas and Russell MacCleery and held for U.S. Department of Transportation Secretary Elizabeth Dole, and was paid for by the Alliance, in spite of the facts that it was done without a vote by the Board of Directors, and three of the four Board members refused to attend. I resigned from the Alliance before seeing the final billings, but close to \$1000 was spent to run employment ads for an Alliance Executive Director, including ads in the Boston Globe. Approximately 125 resumes were received in response to the blind ads. As I resigned from the Alliance and its Board of Directors by certified mail on May 30, I refused to attend the job interviews which were conducted on the night of May 29 for four applicants by Dr. Gary Woods, the TSN

lobbyist Russell MacCleery, and the regional manager of the Motor Vehicle Manufacturers Association. But, after all that money, and with all of those applicants who originally applied for the job, it was interesting to note that the person who was hired as executive director was the niece by marriage of Representative Toni Pappas, the seat belt bill sponsor. Rep. Pappas had previously told me that she had suggested that this person apply for the job, and all concerned were aware of the relationship. It is also interesting to note that shortly after my resignation from the Alliance Board, one more of the original four-member board also resigned.

As I looked over excerpts from my weekly reports to the Highway Users Federation between January of 1985 and September of 1985 when my HUF employment ended, it was absolutely amazing to review the history of the N.H. Alliance for Safety Belts. From the very outset, it was made very clear that no TSN funding would be given unless there would definitely be a seat belt bill filed in the 1986 session. From the very outset, there was nothing but maneuvering to flatter, cajole, convince or intimidate the New Hampshire Legislature to ultimately pass a seat belt law.

While I have worked on many issues since first working for the Highway Users Federation in early 1977, I had never before witnessed such sheer manipulation of an issue, nor one so masterfully contrived, nor one so insulting to personal integrity. I was part of the high-priced and well-financed movement to perpetrate laws that were unwanted, unenforceable, and reprehensible in their motivations to pass them.

My resignation from the N.H. Alliance for Safety Belts came after several heated discussions with the automakers' representatives, and after several

attempts by my HUF superiors to warn me that my stepping off the seat belt parade route was not being regarded lightly. I was, as part of my job, also involved in efforts to pass seat belt laws in Maine and in Massachusetts, however, my areas of responsibility were quite different than those in New Hampshire, so we never had any major disagreements in those two states.

In New Hampshire, through all of the close and personal friends I had throughout the state, I was to repeatedly hear the absolute distaste for a mandatory seat belt law, and the absolute sentiment that a seat belt law was a violation of personal freedom perpetrated principally by a self-serving auto industry. I could no longer defend being another border-hopper into New Hampshire to preach belief in Big Brother extending his net. Not only did I resign from the Alliance, but I made it absolutely clear during the summer to my bosses, to the auto industry representatives, to the TSN lobbyist in New Hampshire, Russell MacCleery, and to the bill sponsor, Rep. Toni Pappas, that I would personally do nothing in New Hampshire in 1986 to persuade either legislators or the public to accept a mandatory seat belt law. As you may well imagine, I was treading on very thin ice.

On September 16, 1985, I mailed a report by overnight mail to the Washington, D.C. office of the Highway Users Federation on the status and future of seat belt laws in the three states which I covered --- Maine, Massachusetts, and New Hampshire. That report arrived on my bosses' desks on September 17, 1985. I shall quote excerpts from my report in that portion which dealt with New Hampshire:

"The overall sentiment at present in New Hampshire is that a mandatory safetybelt law is a violation of personal freedom, and that attempts to pass a law are nothing more than a ploy totally financed by the auto industry to beat airbag requirements."

"With no criticism from the media on the Alliance itself, or against the bill sponsor, et cetera, a bill in 1986 would have a long-shot chance of passage. However, with all of the various aspects that are

being widely discussed, I would say that there is virtually no chance of bill passage in 1986, or even perhaps for a long time. Even if the House were to pass a bill, I strongly doubt that the Senate would ever agree to a mandatory law."

"Additionally, I don't think that the New Hampshire Alliance for Safety Belts can possibly put together a viable effort for 1986, particularly without a statewide constituency of private citizens who are willing to pressure their elected officials. This cannot be accomplished in the next three months."

"My suggestion would be that HUF sit this one out as I don't think that any organizational good is even remotely possible when one analyzes the current scenario and political climate. HUF would also run the risk of being labeled as being only an extension of the auto industry by many legislators, much of the public, and certainly by some media. While obviously we must state support for a law, will distribute materials to legislators, and the like, I would not suggest much visibility on this issue during 1986."

As I mentioned, that report arrived in Washington on September 17, 1985. Sometime on September 18, 1985, while I was in Boston, a letter was hand-delivered to my home by a manager from the Highway Users Washington office. He then went to my Haverhill, Massachusetts office, where he completely stripped it of all of my personal belongings, packed the remaining items for removal, and took all files dealing with seat belts. When I arrived home later that evening, I read the letter which had been left at my front door. On a plain white sheet of paper, placed in a plain white envelope, I read the following dated that day: "Please be advised that your employment with the Highway Users Federation is hereby terminated immediately. You will receive your remuneration through September, 1985, minus any appropriate adjustments." Unbeknownst to me, my insurance coverage and so on had already been discontinued that day by HUF. When I went to my office with my fiance, personal possessions of value only to me, such as photographs of my kids and the like, were in an outside area marked with a note directing that they be taken to the dumpster. All other personal records, files, the contents of my desk, et cetera, were gone. A copy of the letter of termination delivered to my home was hung on the office door. I tell you all of this only so that you can understand the

high stakes being played for in this massive effort to pass seat belt laws. I was warned not to defect. Knowing the stakes, I resisted anyway. I can honestly say that if I had it to do again, I would do the same. There are some efforts that you simply cannot be paid enough to believe in, particularly if you believe the effort is a deceptive one.

As I know you are aware, more and more people are finally realizing that they have been manipulated on this seat belt issue. In Massachusetts over the past few weeks, over 60,000 people have signed petitions for a seat belt repeal to be on the November ballot. In spite of the hundreds of thousands of dollars spent in Massachusetts to brainwash the Legislature and the public, the issue will go to a ballot vote. Similar repeal efforts are now underway in six other states as well. Turn on your radios and TV's, and read the letters to the editors, and you will appreciate that the people are speaking out, and even the high-priced watchdogs are not able to drown out their voices.

I come to you here today as one of the people who tried to influence you in 1985 to accept an unacceptable law, and for that I apologize. I come to you here today on my own --- I am on nobody's payroll - directly or indirectly- which forces me to be here --- for that I am proud. New Hampshire is a state which everyone is looking at to see if the auto industry has managed to buy its votes on the seat belt issue --- to see if New Hampshire will sacrifice its independence and simply become another state swayed by the siren's song named "Two-thirds of the nation's population". Take care of your people by preserving their personal integrity and by offering any education which they may need. But, in support of all that is upright and all that is honorable, don't allow your people to be numbers in the 2/3 seat belt game for high stakes in which the auto industry is trying to beat the government at its

card table.

If something is right, then it's right --- and you should not allow anyone to come into your state to tell you otherwise.

Thank you for allowing me the opportunity to present testimony.

H. Transp. 3/20/86
Attach 5

TRAFFIC SAFETY NOW, INC.
1620 EYE ST., NW., SUITE 1000
WASHINGTON, D.C. 20006

387

PAY TO THE ORDER OF March 15 1985 15-3/540
**** New Hampshire Alliance for Safety Belts ****

Forty Nine Thousand One Hundred Fifty Dollars and No/100 \$ 49,150.00 DOLLARS

The RIGGS NATIONAL BANK
of WASHINGTON, D.C.
LINCOLN OFFICE
17TH & H STREETS, N. W.

FOR #500-1 Walter Scott
Thomas H. Hanna
Thomas H. Hanna

⑈000387⑈ + ⑈054000030⑈ 12⑈08537662⑈

Print 1/2 of 1985 PSA grant to N.H.

NH Isn't For Sale

It's time to face reality. Given the composition of the 24-member House Health and Human Services Committee, it is reasonable to assume that, contrary to the citizenry's expectations, it will give state Representative Toni Pappas' controversial mandatory seat belt bill its "ought to pass" recommendation. In fact, some votes for the measure are assured — e.g., those of committee chairman Matthew M. Sochalski of Londonderry and two committee members who are co-sponsors of House Bill 25, Representatives Lynn Joslyn of Salem and Marion L. Copenhaver of Hanover.

While other committee members may be having second thoughts engendered in part by the devastating testimony given last Thursday by Kathleen Pappalardo, the former eight-year regional director of the



KATHY PAPPALARDO

Highway Users Federation covering Maine, Massachusetts and New Hampshire who effectively "blew the whistle" on the national auto manufacturers' \$20,000,000 propaganda blitz, this newspaper is aware of only one other committee member, Representative Scott E. Green of Manchester, who intends to vote against the bill. There may be others.

As to whether HB 25, which labors under the threat of a certain gubernatorial veto, will be passed by the House, which killed the measure last year, that seems rather doubtful. In fact, the margin of its defeat may well depend on the extent of distribution in the Legislature of Pappalardo's carefully researched analysis of what is behind the compulsory seat belt drive, copies of which were given the committee members and the news media.

A review of the encyclopedically detailed testimony of the woman who organized the pro-belt lobby, the New Hampshire Alliance for Safety Belts, and wrote the 1985 grant proposal for \$98,300 from the auto manufacturers' money machine, Traffic Safety NOW, is essential to a complete understanding of this issue. What the veteran of state

and national legislative issues said was — literally — rhetorical dynamite so powerful that not one member of the committee challenged or even posed a question to the witness.

Pappalardo's insights will be especially revealing to those lawmakers and citizens who do not yet understand why this proposed law, described by the New Hampshire Chiefs of Police Association as "unenforceable," has generated such intense controversy among the populace of this and other states.

There is, of course, the obvious reason — the bill's outrageous, constitutionally dubious assault on individual freedom. As one father of two teenage daughters bluntly told the committee: "Restraints are for animals. . . . We're human beings, not robots. . . . The auto industry is spending \$20,000,000 to control your minds. . . . To wear or not to wear seat belts should be a decision of we, the people, not the auto companies, and not the insurance industry."

But there is another facet to the mandatory seat belt issue — the insidious association of an agency of the federal government with a private industry in order to keep the people in the dark about what their government is doing with their money to promote the interests of that industry — with highway safety being only a secondary concern.

Former New Hampshire Highway Safety Agency employee Pappalardo summed it up this way:

"While I had worked on many issues since first working for the Highway Users Federation in 1977, I had never before witnessed such sheer manipulation of an issue, nor one so masterfully contrived, nor one so insulting to personal integrity.

"I was part of the high-priced and well-financed movement to perpetrate laws that were unwanted, unenforceable, and reprehensible in their motives. . . . I come to you today as one of the people who tried to influence you in 1985 to accept an unacceptable law, and for that I apologize. . . .

"New Hampshire is a state which everyone is looking at to see if the auto industry has managed to buy its votes on the seat belt issue — to see if New Hampshire will sacrifice its independence and simply become another state swayed by the siren's song named 'two-thirds of the nation's population.' . . . If something is right, then it's right — and you should not allow anyone to come into your state and tell you otherwise."

—Jim Finnegan

H. Transp. 3/20/86
Attach. 6

Another Brave Woman

And then there is the quiet intellectual integrity of Kathy Pappalardo, who because she has the courage of her convictions may well have singlehandedly turned the tide on



KATHY PAPPALARDO

facturers are bankrolling the New Hampshire Alliance for Safety Belts' effort to push Representative Toni Pappas' mandatory seat belt bill (HB 25) through the Legislature.

Moreover, it was Pappalardo who initially organized the Alliance, which she explains in testimony prepared for last Tuesday's hearing before the House Health and Human Services Committee (the session was suspended until next week by the Challenger space shuttle tragedy) "was supposed to be a coalition of private citizens who wanted a seat belt law in the state."

Obviously, as a former regional director of the Highway Users Federation, the current resident of Haverhill, Massachusetts, is well plugged in to the slick strategies of the auto industry and its paid and volunteer propagandists.

Whether or not Pappalardo chooses to expand on her comments next week when testimony resumes on the Pappas bill, the revealing points raised in her prepared testimony alone — considering their source — may be sufficient to stymie the lobbyists for this punitive law to compel Granite Staters to do what they should do as a matter of common sense — i.e., buckle up.

Although we can hardly do justice here to the testimony of the former employee of the New Hampshire Highway Safety Agency, we publish below excerpts from that testimony that may explain why the compulsory seat beltlers already seem to be in a state of panic.

—Jim Finnegan

one of the most bitterly fought, emotional social issues ever to involve the people of New Hampshire and their elected representatives to the Legislature.

In her own self-effacing terminology, Kathy Pappalardo is "a former seat belt law robot," a defector from the ranks of the special interests seeking to inflict on the citizenry controversial seat belt legislation promoted by and in the interests of the nation's auto manufacturers and described by the New Hampshire Chiefs of Police Association as "unenforceable."

But the former Londonderry resident is not simply your average whistle-blower. It was Pappalardo who wrote the 1985 grant proposal for \$98,300 from Traffic Safety NOW, the \$20,000,000 money machine through which the car manu-

Revealing Testimony

Excerpts from the prepared testimony of Kathy Pappalardo (see editorial above):

... "The \$98,300 grant (to the NH Alliance for Safety Belts) did not include the price tag for a (Traffic Safety NOW) lobbyist in New Hampshire. An additional sum of close to \$50,000 was planned under a separate contract for the lobbying services from January 1985 to January 1986 of Russell MacCleery, the TSN lobbyist for New Hampshire. On top of this nearly \$150,000 were the salaries and travel expenses of all the various automaker representatives, and for people like me, who either previously worked for or are currently working for organizations directly funded by the auto industry. Add to that the huge sums of money which were spent for publications and other promotional materials...

"Do not for a minute believe that this money would have been spent in New Hampshire to encourage voluntary seat belt use or education. It was made crystal clear to me and to the bill's sponsor, Representative Toni Pappas, last winter that no TSN money would be awarded in New Hampshire unless there was an absolute certainty that a seat belt bill would be filed for the 1986 session. ... Seat belts have been in cars a long time, but there was never (prior to U.S. Transportation Sec-

retary Dole's July 1984 "final rule" that the car manufacturers get seat belt laws or face airbags or other passive restraints —EDITORS) a major national push to either encourage their usage or to pass mandatory use laws. ...

"Should you be told about the tremendous auto insurance savings that Massachusetts folks will enjoy with a seat belt law, you should realize that the savings will amount to about \$4 per year. My auto insurance for a new car costs me in excess of \$1,000, so I don't find (that) impressive or compelling.

"... The Massachusetts Seat Belt Coalition has ordered its members to daily monitor radio and TV talk shows to try to get an occasional comment of support for the law on the air; in spite of this, the comments heard are overwhelmingly opposed. ... From my own experience here in New Hampshire, it appears that many of the seat belt law supporters are on payrolls which force them to be supporters. I have never witnessed much support from private citizens. ...

"Big Brother and his friends are trying to cross the Massachusetts border and come into New Hampshire, and if they make it, they're going to take away one more of your freedoms for their own advantage."

—Jim Finnegan

"There is nothing so powerful as truth"

— DANIEL WEBSTER —

DATE:

Wed. 2-12-86

- | | | |
|---|---|--|
| <input type="checkbox"/> TOPEKA CAPITAL-JOURNAL | <input type="checkbox"/> GARDEN CITY TELEGRAM | <input type="checkbox"/> MANHATTAN MERCURY |
| <input type="checkbox"/> WICHITA EAGLE-BEACON | <input type="checkbox"/> HAYS DAILY NEWS | <input type="checkbox"/> PARSONS SUN |
| <input type="checkbox"/> KANSAS CITY STAR | <input type="checkbox"/> HUTCHINSON NEWS | <input type="checkbox"/> PITTSBURG MORNING SUN |
| <input checked="" type="checkbox"/> KANSAS CITY TIMES | <input type="checkbox"/> LAWRENCE JOURNAL WORLD | <input type="checkbox"/> SALINA JOURNAL |
| <input type="checkbox"/> EMPORIA GAZETTE | <input type="checkbox"/> LEAVENWORTH TIMES | |

Repeal efforts aim at seat belt laws

By John Petterson
Topeka Correspondent

TOPEKA — Momentum is growing in state legislatures across the country to repeal recently passed seat belt laws, and voters in two states, Nebraska and Massachusetts, already are scheduled to decide in November whether to retain mandatory seat belt laws.

Individual lawmakers in several states, including Missouri, have introduced bills to remove seat belt laws either by putting the question to a referendum or by outright legislative repeal.

The repeal attempts come as a Kansas Senate committee today begins two days of hearings on requiring motorists to use seat belts.

Jane Strotman, record supervisor for the National Highway Users Federation, which keeps tabs on seat belt legislation, said Tuesday that repeal legislation could be expected in several states this year.

"The legislatures are just kind of getting started," she said.

But she said it was difficult to determine whether those bills that have been introduced or are expected to be offered in this year's legislative sessions will be successful.

"There's always somebody who didn't like it (the seat belt law)," Mrs. Strotman said.

In addition to three proposals filed with the Missouri General Assembly, which have yet to be considered, repeal efforts are under way in Delaware, Louisiana, Nebraska, New York, North Carolina and Oklahoma. Seat belt critics often cite personal freedom as their reason for opposing mandatory belt laws, and some question the safety statistics used by proponents.

The National Highway Users Federation predicts that seat belt legislation will be considered in 27 states this year, and already legislation has been passed by at least one house in eight states.

So far, 17 states and the District of Columbia have mandatory seat belt laws. Residents of those states and the district make up 57.9 percent of the nation's population, according to the Highway Users Federation. Missouri's law took effect in September, but fines for violating the law won't be imposed until July 1.

The U.S. Department of Transportation said in 1984 that if states covering two-thirds of the population adopted mandatory seat belt laws, federal requirements for installation of air bags in cars could be dropped.

As a result, big automakers, such as General Motors, have been involved in substantial lobbying efforts to win seat belt legislation in the states.

At the National Conference of State Legislatures in Washington, a spokesman described mandatory seat belts as "probably the biggest single issue in transportation this year."

In Topeka the Senate Transportation Committee will hear proponents and opponents of the legislation in separate hearings today and Thursday. Similar legislation failed during the 1985 session, but at least one of its backers is more optimistic this year.

"I think it has more support than it did last year," said Sen. Bill Morris, a Wichita Republican who heads the committee. "With the proper amendments, we hope to have even more support."

Expected amendments during the committee stage, he said, would exempt rural mail carriers and newspaper carriers from the provisions. Another amendment would prohibit a person from being cited for not using a seat belt unless he was stopped for another offense, and the citation could not be used against him to suspend his driver's license, to increase his insurance premiums or in a legal action.

A person cited for not using his seat belt would face a \$25 fine plus

court costs, which could range up to \$50.

Bill Henry, coordinator for the Kansas Coalition for Safety Belts, made up of a variety of professional, business and educational organizations, said the big battle probably would take place in the House where similar legislation died last year.

"I think we're more optimistic about the prospects this year than last because we think more legislators have had an opportunity to receive more information on the value of seat belts," Mr. Henry said.

He said reports from other states where mandatory seat belt laws were in operation would help.

Mr. Henry said reductions in front-seat fatalities have ranged up to 30 percent in some states.

The National Highway Traffic Safety Administration projects that if 80 percent of the Kansas population used seat belts, 100 lives could have been saved in 1984 when 270 front-seat occupants died in crashes, Mr. Henry said.

"We think a more reasonable figure in the first year of the legislation might be closer to 60 lives (saved), but, of course, even at that we're talking about maybe \$45 million in savings in medical costs," Mr. Henry said.

A safety belt usage study by Kansas State University that was completed last month showed that for the state as a whole, only 10.9 percent of Kansas drivers used seat belts and only 9.65 percent of front-seat passengers buckled up.

Considered together, 10.67 percent of drivers and front-seat passengers wore seat belts.

Johnson County, with 20.47 percent of all drivers and front-seat passengers buckled up, led metropolitan areas in seat belt usage, the survey showed.

Rates in cities with less than 20,000 population averaged less than 4 percent with little variance, the report showed.

Mr. Henry will be among nearly a dozen advocates of mandatory seat belts who are scheduled to testify today.

On Thursday, only Topekan Oscar Lind has asked to speak in opposition to the measure. He appeared at a similar hearing last year and said the bill would dilute his freedom.

25

New York Times Feb 28 1985

States Debate Laws on Seat Belt Use

NYT
2-28

By IRVIN MOLOTSKY
Special to The New York Times

WASHINGTON, Feb. 27 — The decision by Transportation Secretary Elizabeth Hanford Dole to seek state laws requiring the use of seat belts has touched off one of the strongest lobbying efforts ever seen in statehouses around the country.

Legislatures in four states, including New York and New Jersey, have approved mandatory use of seat belts. If enough follow suit, proponents of the air bag, which inflates upon impact in a collision to protect riders, fear the device will never achieve widespread use.

Mrs. Dole issued an order July 11 requiring all new automobiles to be equipped with passive restraints, such as air bags or seat belts that automatically snap on when the door is closed. However, the requirement would be waived if states representing two-thirds of the United States population enacted mandatory laws on seat belt use by April 1, 1989.

The lobbying has included a talk by the chairman of the Chrysler Corporation, Lee A. Iacocca, a staunch opponent of air bags, with Gov. James R. Thompson of Illinois at Chrysler headquarters in Highland Park, Mich.

Chrysler Chief's 'Pitch'

Governor Thompson, who later signed a seat belt law, said Mr. Iacocca had made "a very strong pitch" for the bill and had said that "it would forestall the mandatory use of air bags, which he claims are not all they are cracked up to be and which he also claims are virtually useless without using seat belts as well."

Mrs. Dole's decision to press for seat belt laws was applauded by automobile manufacturers and their allies, which maintain that air bags represent an unproved and expensive technology. It was criticized by many insurance companies and consumer organizations, which contend that air bags would save far more lives than seat belts.

Besides sending representatives to lobby Illinois legislators, Chrysler and the General Motors Corporation hired a former Illinois Secretary of State and a former majority leader of the State House. "The big heaters were all over this one," a legislator said. "We had Chrysler, Ford, G.M. We had banks they run their financing through. They were all working on us. I haven't seen a bill this heavily lobbied in a long time."

The lobbying has got so intense that G.M.'s impending decision on where to locate its multibillion-dollar plant for the Saturn car has become intertwined. Lobbyists who oppose the mandatory seat belt laws have asserted that General Motors has told states they will not be considered for the plant unless they pass such a measure.

General Motors has strongly denied the allegation. "It is absolutely ridiculous," said Donald Postma, a General Motors spokesman. "There is no truth to it. We don't do business that way."

But the assertion was repeated at a Congressional hearing last week by Senator John C. Danforth, Republican of Missouri, a strong supporter of the air bag. He said Missouri legislators

had told him G.M. had spread the word.

There are many ironies in the issue, not the least being the position of G.M., which developed the air bag technology more than 10 years ago but has since abandoned it.

The Ford Motor Company has long opposed mandatory air bags but, alone among the big American auto makers, it is making air bags available to fleet purchasers.

"We are looking at all systems and devices," said John Manikas, a Ford spokesman. "We have felt that there are many questions that have to be answered with so-called passive restraints and that one way is to get them on the road."

Extra Cost of \$815

Ford has agreed to sell 5,000 cars with air bags to the General Services Administration, the Government's housekeeping arm, and 600 to Travelers Insurance. The extra cost is \$815 for a driver-only air bag, but the ordinary motorist cannot walk into a Ford showroom and buy a car equipped with air bags.

To help make their case, the auto makers flew members of the California Legislature to Detroit to tour auto plants. While not every legislator has been given two days in the nation's auto capital, reports from several states point to a high level of lobbying.

In Connecticut, a new group, the Connecticut Safety Belt Coalition, received a \$137,000 grant from Traffic Safety Now, which is financed by the auto makers and has as its goal passage of a seat belt law in that state.

It describes itself as a coalition of medical, business, government, industry and law-enforcement officials. Its vice president, Dr. Carl Dila, a Stamford neurosurgeon, said, "I work on too many traumatic head injuries that could have been avoided if the person only had been wearing a seat belt."

His argument is similar to that of Larry Todd, spokesman for the Texas Department of Public Safety, which is supporting a seat belt law being considered in that state.

"I rarely ever hear our state troopers unbuckling somebody that's dead," Mr. Todd said, noting that more than 98 percent of Texas highway deaths involved people who were not using seat belts.

"The majority of drivers and passengers don't wear them, and yet they're here," he said. "We're talking about a behavior modification that is a lot more difficult than a safety approach."

Mr. Todd's view and the view of others is that many people would use seat belts if required by law, even if the law was not widely enforced and even if the penalty was modest. They cite the experience in New York, where the nation's first law requiring seat belt use took effect Jan. 1. Samplings cited by Federal officials indicate that 70 percent of front-seat occupants in New York now wear seat belts.

There are strong indications that there will be legislative action in Connecticut on seat belts this year, although Gov. William A. O'Neill says he has not decided whether to endorse it.

Last October Mr. O'Neill ordered all state employees driving state vehicles to wear seat belts.

"I wouldn't want to rely on an air bag popping up in front of me or not popping up in front of me if I knew I was going to crash," Mr. O'Neill said. "However, if you do have a seat belt on, you know it's there and it does work."

In Florida, State Representative Steve Pajcic, chairman of the House Transportation Committee, said he expected some kind of seat belt law to be passed in his state this year.

The picture is less clear in California. Asked about his position, Gov. George Deukmejian said, "I'm not prepared at this point to say that I would push for that kind of legislation, but I'll certainly be happy to consider it."

The head of the Democratic caucus in the California Senate, Paul B. Carpenter, noted that there were strong competing forces.

In Virginia, a state with a conservative Legislature, the seat belt law was rejected by lawmakers who invoked the state's historic opposition to attempts by the Federal Government to impose its wishes.

In Maryland, a liberal state, the bill has been held up on the ground that a seat belt requirement would impinge personal freedom.

Proponents in a Quandary

Some of the major proponents of air bags, such as the State Farm Mutual Insurance Company, the Allstate Insurance Company and Joan Claybrook, a highway safety official in the Carter Administration who is head of the consumer organization Public Citizen, are finding themselves in the difficult position of opposing laws to require use of seat belts, which they acknowledge will save many lives.

The air bag forces tasted victory when the Supreme Court ruled in 1983 that the Reagan Administration acted arbitrarily when it revoked a decision requiring the installation of air bags in new cars. But they now find themselves on the defensive.

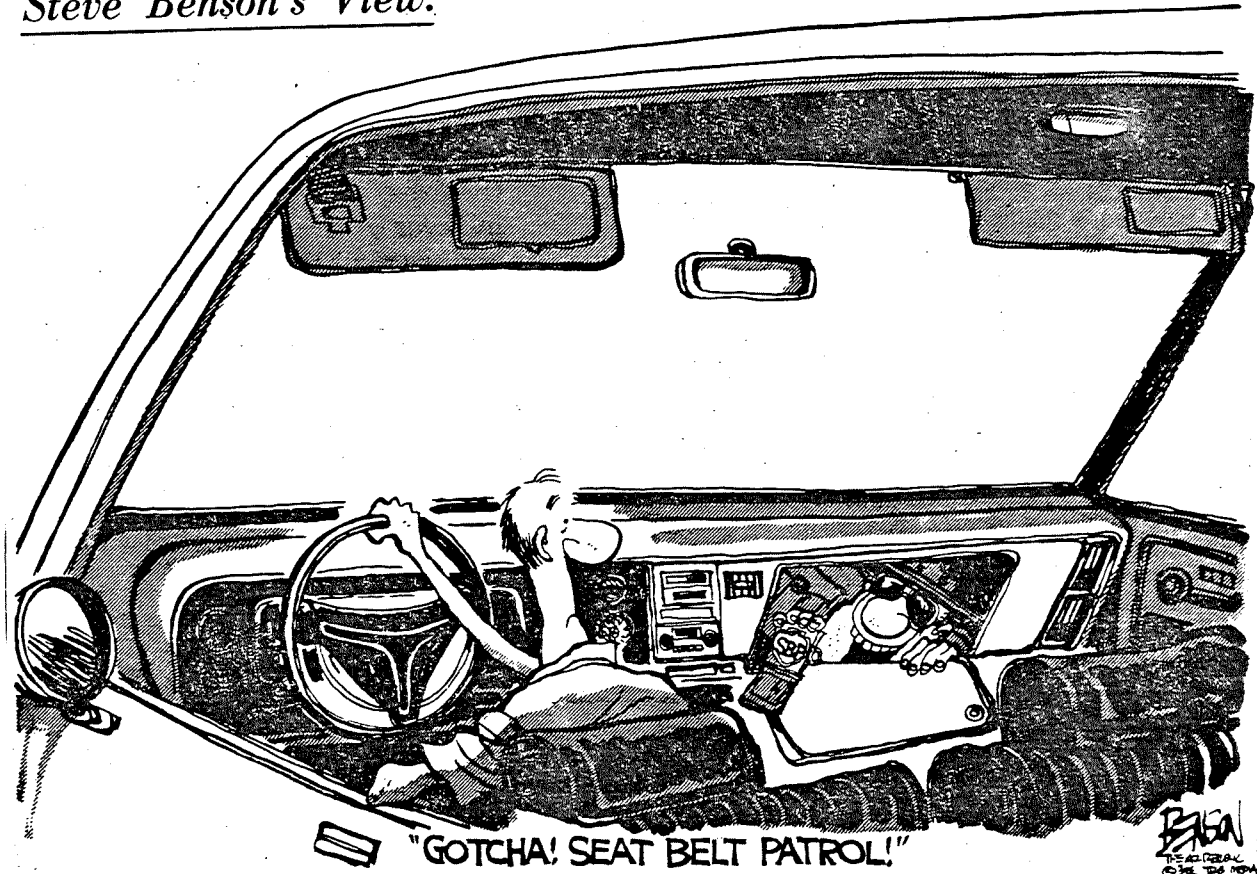
Upwards of 40 states may consider seat belt legislation this year, and if enough states pass such requirements the air bag, which the insurance and consumer advocates consider much more effective, would be dealt a severe blow, they believe.

One insurance spokesman said his side's best hopes now appeared to be in either delaying state actions or in getting states to pass seat belt laws that did not comply with Mrs. Dole's requirements. Such an apparently non-complying bill was passed with the support of the insurance industry in New Jersey, which set a \$20 fine for people who do not buckle up. Mrs. Dole's standard calls for a minimum fine of \$25.

A New Jersey legislator, Assemblyman Walter M. D. Kern Jr., Republican of Ridgewood, reflected the view of many when he said it was naive to believe that the light penalty would lead to a requirement of passive restraints. "When the time comes," he said, "they'll just change the requirements in Washington to include our law, and the manufacturers will be let off the hook."

NEW YORK TIMES
FEB 28 1985

Steve Benson's View:



Seat belt use

"Hand it to our state Senate for trying to take away another personal liberty.

"The Senate voted last week to make it mandatory for motorists to wear seatbelts. Perhaps a wiser House will shelve the bill.

"Mandatory seatbelt legislation is one of those bills that tugs at the heart of do-gooder lawmakers who somehow lose their perspective once they arrive in the capital city.

"... The measure passed down by the Senate is so watered down, all it does essentially is add to the pages of state statute books.

"The Senate bill doesn't authorize law enforcement to stop a motor vehicle if the driver isn't wearing a seat belt. If the motorist is stopped for another violation, he can be ticketed for not wearing a seat belt. If found guilty, he could be levied a \$25 fine. Big deal.

"Our problem is not with the virtues of seat belt usage... We believe that drivers should use seat belts. We do not believe that government, federal or state, should make it a mandatory practice. There is already too much government intrusion into our lives.

"We fear more government heavy handedness over a person who chooses not to wear seat belts. If a driver chooses not to wear seat belts and runs the risk of more serious injury, that is his choice. Heaven help us from government that seeks to protect us from cradle to grave.

"In passing, we note with acceptance that our state senator, Francis Gordon, voted against the measure. So did our neighboring senator to the south, Edward F. Reilly Jr. of Leavenworth. It's too bad the common sense of northeast Kansans didn't prevail in the Senate."

— Atchison Globe

New state warning to motorists: Learn to un-buckle up

By ANDY DANZO
Knickerbocker News Reporter
with wire reports

Because of a Buffalo accident in which a man wearing his seat belt died of burns, state officials are warning motorists to learn how their autos' belts unbuckle.

The warning will probably become part of the state's campaign to prepare people for the new mandatory seat-belt law, which becomes effective Dec. 1, according to state Department of Motor Vehicles spokeswoman Joan M. Paylo.

"...if you are unfamiliar with wearing seat belts, you should be aware of how you get in so you can get out again."

— Joan M. Paylo
DMV spokeswoman

"One thing we would say is, if you are unfamiliar with wearing seat belts, it's like going to a theater or into the woods — you should be aware of how you get in so you can get out again," Ms. Paylo said.

She said she was not familiar with details of the weekend accident, in which a man's death was attributed to a seat belt trapping him in his burning car.

Elizabeth M. Derrico, another Motor Vehicles spokeswoman, said the department did not yet believe seat belts were a contributing cause in the motorist's death. She said officials were hoping to

talk with rescue workers and the state trooper investigating the accident to learn more.

State police said James M. Morrison, 40, of Rochester was apparently unable to get out of his seat belt after his car burst into flames on Interstate 190 in Buffalo Saturday night.

Morrison had pulled the car to the shoulder after smelling smoke.

Three passengers said they also had trouble unbuckling their belts before escaping.

Morrison died early Monday morning.

"I didn't believe in them (seat belts) before and I surely don't now," Morrison's sister, Mary Morrison, said. "They almost killed me and they killed my brother."

The state police spokesman for the Buffalo area was not immediately available for comment.

Ms. Paylo said accidents where a seat belt might be a threat instead of a lifesaver were extremely rare, if they existed at all.

Less than one accident in 200 involves a fire or a plunge into water, Ms. Paylo said. Even in those cases, a seat belt could keep a person from being knocked unconscious and make it more likely he would escape from danger, she added.

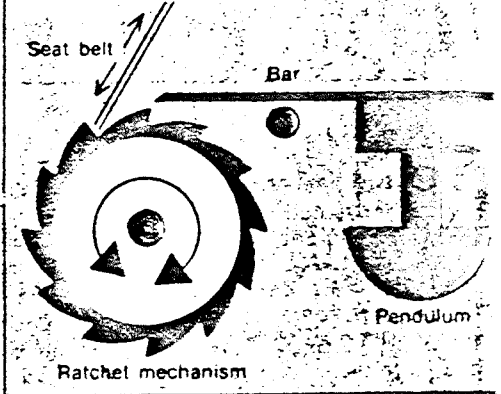
"Even in the freakiest of accidents, the chances of your remaining conscious are greater if you're wearing safety belts," she said. "You're more likely to think of what to do."

Ms. Derrico said of the 270,000 traffic accidents in New York in 1983, only 97 involved fire or an explosion. Those 97 accidents accounted for only two of the 1,918 highway fatalities that year, she added.

"Incidents like this (the Buffalo death) do not happen every day," Ms. Derrico said. "Accidents do happen every day."

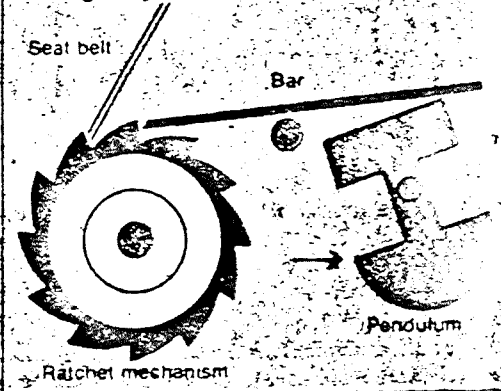
The safety belt How it works

Normal conditions



During normal driving conditions, the pendulum and bar are in their rest positions, leaving the reel that holds the belt free to rotate. The belt moves easily with the occupant, allowing freedom of movement.

Emergency conditions



In a collision the pendulum moves forward under the force of the impact causing the bar to engage the ratchet. The reel and seat belt lock in place, restraining the occupant in his seat.

The Kansas City Times

A Capital Cities/ABC, Inc., Newspaper

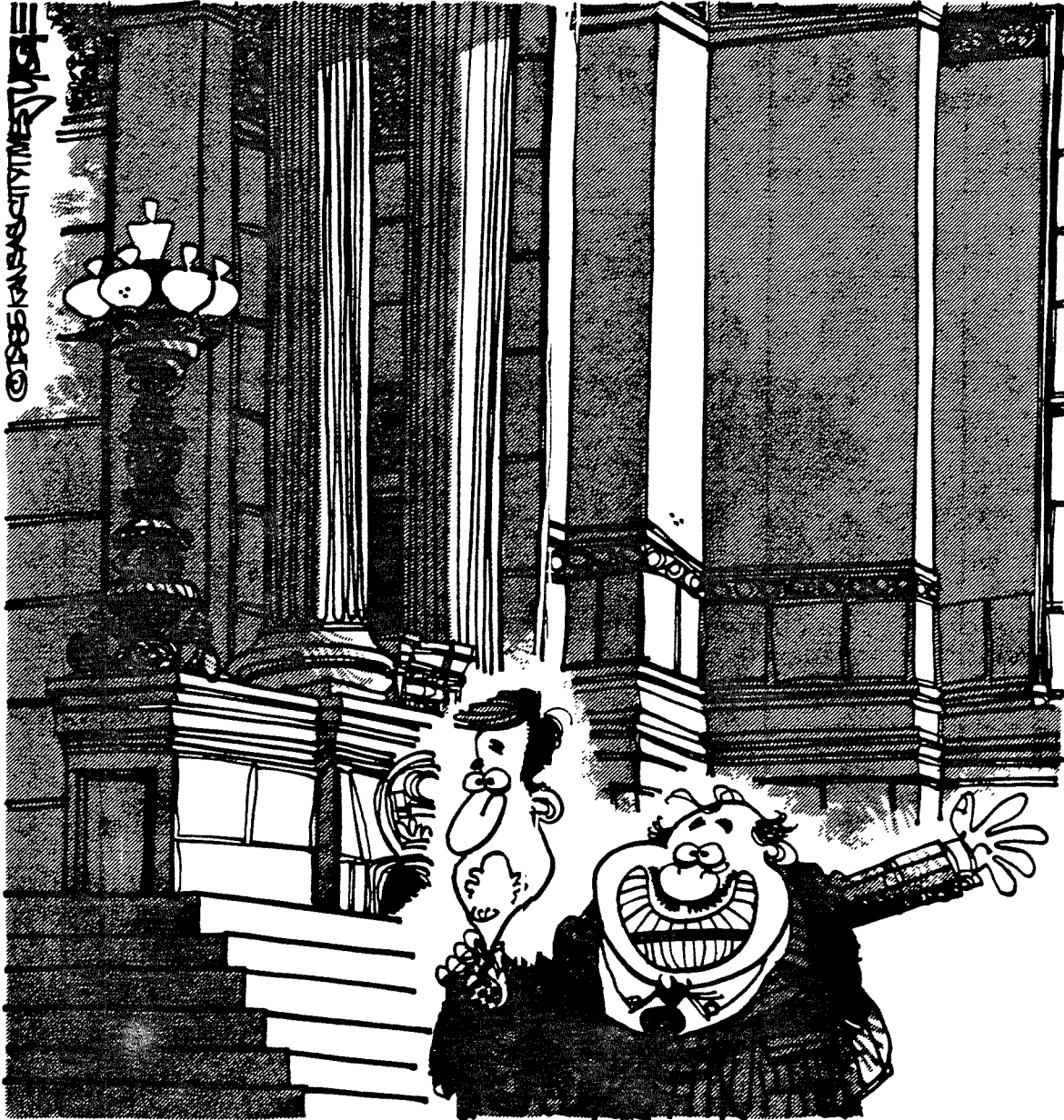
JAMES H. HALE
Publisher and
Chairman of the Board

JAMES W. SCOTT
Editor,
Editorial Page

MEMBER OF THE ASSOCIATED PRESS

The Associated Press exclusively is entitled to use for
republication all local news published
herein as well as all AP dispatches

Comments



"WHY OF COURSE A MANDATORY SEAT BELT LAW WOULD BE GOOD FOR PEOPLE... THEN WE'LL PASS A MANDATORY TOOTH-BRUSHING LAW, A MANDATORY BLOOD-PRESSURE-CHECK LAW, A MANDATORY-"

The Daily Star

Copyright 1985 The Daily Star

Oneonta, N.Y., 13820, Wednesday, Feb. 13, 1985

Petitions urge repeal of belt law

By KARIN ROBERTS
Walton News Bureau

FRANKLIN — A petition drive to repeal New York state's seat belt law has been started on the local level by William Degenhardt, a Franklin woodworker who said Tuesday that the law infringes on his personal freedoms.

Degenhardt, of county Route 14, said he has been collecting signatures and distributing petitions to merchants and friends for the past three weeks in an effort to overturn the 10-week-old law, which requires front-seat car occupants to buckle up or face a \$50 fine.

Opposition to the law is also heating up in the state Legislature. A bill to repeal the law, sponsored by Senator Charles Cook, R-Delhi, and Assemblyman Michael Nozzolio, R-Seneca Falls, was sent to the Senate Transportation Committee Tuesday, said an aide to Cook.

Degenhardt said he was inspired to fight to overturn the law after watching Nozzolio attack the law during a televised debate on a Syracuse station recently. Nozzolio invited other opponents of the law to write to him and ask for petitions, and Degenhardt decided to respond.

He said he has collected about 300 signatures so far, and has sent the petitions back to Nozzolio. Copies of the petition were given to Franklin businessmen, who have in turn been encouraging other opponents to spread the petitions throughout the region.

Several hundred signatures already have been obtained in just the Franklin area.

Degenhardt said most people have been eager to sign the petition, which states, in part, "We, the residents of New York state, believe that government has neither the right nor the responsibility to prescribe (sic) conduct to its citizens simply because it deems such conduct to be in their best interest. Citizens must be allowed to think for themselves."

"They say, 'man, where's the pen?'" Degenhardt said of the people who have signed his petitions. "They don't hesitate at all."

Degenhardt said he believes the seat belt law will spur other legislation which restricts personal freedoms. He



Star photo by Karin Roberts

William Degenhardt of Franklin holds one of his petitions calling for repeal of the state's seat-belt law.

said government control over citizens' lives is approaching the police state envisioned in George Orwell's "1984."

"Pretty soon the government will be telling you what time to get up in the morning and what time to go to bed," he said. "If you want to get killed that's your business."

Degenhardt would not say whether he was obeying the law. "I think I'll plead the Fifth on that one," he said.

Degenhardt said most of the people signing the petitions buckle up anyway, but say they think the law infringes on their rights.

He added that he believes statistics which show that wearing seat belts save lives do not tell the whole story. "It seems to me there's a 50-50 chance of getting killed when you're wearing a seat belt," he said.

Harold Leitenberger, owner of the Treadwell Carbure-

See PETITIONS on page 9

The Daily Star, Wednesday, February 13, 1985

9

Petitions

Continued from page 1

tor Company, agreed. Leitenberger, who has collected about 130 signatures in the last two weeks, hopped on the repeal bandwagon after getting a petition from Degenhardt.

Leitenberger said that in some cases, wearing seat belts can be dangerous to passengers of cars involved in accidents. If a car overturns, occupants can be trapped inside by their belts, unable to escape if the car should explode into flames, he said.

"The seat belt law is dictatorial. We're supposed to

have government by the people, not by three men in a smoke-filled room," he said.

Mark Fairchild, owner of Mark's Grocery in Franklin, said he has collected about 300 signatures since he got a petition from Degenhardt. "It's democracy in motion," he said of the drive. "I'm not opposed to wearing one, I'm opposed to being told to wear one."

Cook sponsored the bill because it is a "gross intrusion into private life by government and creates greater disrespect for the law because people will ignore it," said legislative aide Alexander Mathes.

Nozzolio agreed, adding that about 14,500 signatures from people opposed to the law have poured into his office in the last two weeks.

"People are really saying something. The people demand this law be repealed," he said.



THE SENATE
STATE OF NEW YORK
ALBANY

JOSEPH L. BRUNO
43RD DISTRICT
CHAIRMAN
INSURANCE COMMITTEE

PLEASE RESPOND

ALBANY OFFICE:
ROOM 814
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2346

DISTRICT OFFICE:
368 BROADWAY
SARATOGA SPRINGS, NEW YORK 12866
(518) 583-1001

February 6, 1986

Mr. Richard D. Schlegel
412 North Third Street
Manhattan, Kansas 66502

Dear Mr. Schlegel:

Thank you for writing regarding the seat belt law.

While proponents in New York State claim the Seat Belt Law has drastically reduced the amount of highway fatalities, they fail to mention the 20 new laws dealing with drunk driving. I feel that these laws are a big reason highway deaths have decreased.


Unfortunately statistics on seat belt use are compiled by the people who support the law and therefore figures that may adversely reflect on the law are not kept. As for the number of rate increases requested by insurance companies, since the affect of the Seat Belt Law, as it pertains to insurance rates, must be studied over at least 3 years there are no statistics yet that would be valuable.

The law is an unjust, unpopular, and unenforceable one. It is the first step in the erosion of the people's basic rights, on which this country was founded.

Thank you again for writing.

Good luck in your efforts to defeat seat belt legislation in Kansas. I have also enclosed some information that may be of interest to you.

Sincerely,


Joseph L. Bruno

JLB/w
Enc.