

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 12, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Fred Carman, Revisor
Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Rep. Jesse Branson
Bob Storey, Traffic Safety Now
Bill Henry, Kansas Engineering Society
Candy Norwood, Lecompton
Sgt. Steve Jensen, Kansas Highway Patrol
John Kemp, Secretary, Department of Transportation
Rosemary O'Neil, Kansas Head Injury Association
Nancy Bauder, Kansas Coalition for Drug Free Driving, Leavenworth
Col. Bert Cantwell, Kansas Highway Patrol
Dr. Lorne Phillips, Department of Health and Environment
Ralph Turner, Lawrence, Silver-Haired Legislature
Kelly Roesch, Kansas Trial Lawyers
Pat Barnes, Kansas Motor Car Dealers
Gaila Hein, Overland Park, Kansas PTA
Terri Rosselot, Topeka, Kansas State Nurses Association

HEARING ON S.B. 520 - Mandatory Seat Belts - Proponents

Rep. Branson said she appears in support of this issue every year and strongly supports it this year. She said she has spent some time visiting in the wards for the retarded and many of the patients are the result of car accidents. She said she could not walk away from these institutions without doing something to help alleviate the problem.

Bob Storey, Traffic Safety Now, said he represents a non-profit corporation organized to save lives and prevent injuries. He explained the bill and said it carries a fine of \$25 including court costs and it would be a non-moving violation. A copy of his statement is attached. (Att. 1).

Bill Henry, Kansas Engineering Society said their 1100 members support S.B. 520 and this is an economical way of protecting lives. A copy of his statement is attached. (Att. 2).

Candy Norwood, Lecompton, told of an incident where her life, and that of her daughter, was saved because of seat belts. They are both charter members of Kansas Saved by the Belt Club. A copy of her statement is attached. (Att. 3).

Sgt. Steve Jensen, Highway Patrol Education and Training Officer, spoke of the fatalities on the highways and the number of people who could be saved by wearing seat belts. He said the Patrol does a lot of speaking in schools to educate young people and while belts are not a cure-all, the chances of surviving are so much greater. He told of a recent fatality where the wife was hit broadside in a car while the husband, on the driver's side, was killed. She was wearing a seat belt and he was not. He also said it was important to use the belt everytime and not just occasionally.

Chairman Morris submitted a letter which had been sent to him by Rev. Richard DeVries dated February 7, 1986 in which Rev. DeVries describes an accident and feels that the seat belt saved his life. A copy of the letter is attached. (Att. 4).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./~~pm~~ on February 12, 1986

John Kemp, Secretary of Transportation, reviewed the criteria for con- conformity of Secretary Dole's ruling on seat belts. S.B. 520 would not conform, only three states have conformed to date, but this bill would save lives and is very worthwhile. They support the bill. A copy of his statement is attached. (Att. 5).

The committee discussed the use of the airbag and it was pointed out that the intent of the airbag was to use it in conjunction with the seat belts.

Rosemary O'Neil, Kansas Head Injury Association, told her very moving story of being thrown from an automobile and she suffered head injuries. She felt a seat belt would have prevented her injury and she urged the committee to support the bill. A copy of her statement is attached. (Att. 6).

Nancy Bauder, President, Kansas Women for Highway Safety, said she was appearing on behalf of the Kansas Coalition for Drug-Free Driving and represents 8600 Kansans. She urged support for S.B. 520. A copy of her state- ment is attached. (Att. 7).

Bert Cantwell, Superintendent, Kansas Highway Patrol, said all the troop- ers wear seat belts while on duty and he urged support for the seat belts. He said the law would be difficult to enforce but since most people are law-abiding, they would wear the belts. A copy of his statement is attached. (Att. 8).

Dr. Lorne A. Phillips, Director, Bureau of Community Health, Department of Health and Environment, said the belts would cut the number of serious injuries by 50% and fatalities by about 65%. He urged support of S.B. 520. A copy of his statement is attached. (Att. 9).

Ralph Turner, Silver-Haired Legislature, said at their last session they passed a compulsory seat belt law.

Kelly Roesch, Kansas Trial Lawyers intern, said they support this bill. They did not support the mitigation of damages that was in the bill last year.

Pat Barnes, Kansas Motor Car Dealers Association, said they support S.B. 520. He said if the population is not covered by a mandatory seat belt law by 1987 the manufacturers would be required to have passive restraints which would be very expensive and could cause a lot of liability suits if the air bag was not installed correctly. There is no way to test an airbag. A copy of his statement is attached. (Att. 10).

Gaila Hein, Legislative Chairman, PTA, said the PTA supported this bill and works actively in the schools to promote wearing seat belts. (Att. 11).

Terri Rosselot, Executive Director, Kansas State Nurses Association, spoke in favor of seat belts and said it was a privilege and not a right to drive an automobile. The state should make the roads safer by mandating seat belts. A copy of her statement is attached. (Att. 12).

Testimony was submitted in favor of seat belts by Paul Fleenor, Kansas Farm Bureau, dated February 12, 1986. A copy of this statement is attached. (Att. 13).

Jim Edwards, Kansas Chamber of Commerce, submitted testimony in favor of S.B. 520. A copy of his statement is attached. (Att. 14).

Kansas Motor Carriers Association submitted testimony in favor of S.B. 520 dated February 12, 1986. A copy is attached. (Att. 15).

This completed the hearing on S.B. 520 for the day.

Sen. Walker said he had a bill written to eliminate the subsidy for gaso- hol and he made a conceptual motion to introduce it as a committee bill and have it referred back to this committee. Motion was seconded by Sen. Hoferer. Motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./p.m. on February 12, 1986.

A motion was made by Sen. Norvell and was seconded by Sen. Vidricksen to approve the Minutes of February 6, 1986. Motion carried.

Meeting was adjourned at 10:00 a.m.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-12 Place 254-E Time 9:00

Hearing on S.B. 520

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Ralph Jurnum	5-308 Windsor Pl LAWRENCE	SILVER HAIR LEGISLATURE
Ruth + Don Meserve	8212 Briar Prairie Village, Ks	KS Coalition for Drug Free Driving Reg; Lobbyist
Gale Hein	7700 W. 61st O.P. Ks.	Kansas PTA
HAROLD PITTS	2606 Chelsea DR Topeka, Ks.	TARTT
Bill Henry	Topeka	Ks Engineering Society
Terri Rosselot	Topeka	KSNA
Susan miringoff	Topeka	KSNA
Tom Whitaker	Topeka	Ks Motor Cyclists Assn
Bob Storey	Topeka	TSN
Richard Schlegel	Manhattan	ABATE
Rosemary O'Neil	Topeka	Ks Head Injury Assoc.
BILL PERDUE	TOPEKA	TSN
Candy Norwood	Levenson	
Nancy Bauer	Leavenworth	Kansas Women for Highway Safety
Jo Ellen McManahan	Topeka	AAA Ks

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-12 Place _____ Time _____

GUEST LIST

NAME	ADDRESS	ORGANIZATION
LEIGH NICHOLS	429 NE 50 OKLA CITY, OK 73105	MOTOR VEHICLE MANUFACTURERS ASSN.
LORNE A. PHILLIPS	TOPEKA	KDNE
Jim Edwards	Topeka	KCCI
Jim Sullivan	TOPEKA	KHQA
PAT BARNES	TOPEKA	KMCA
Ron Smith	— " —	Ks Bar Assoc.
Mike Meacham	Wichita	Traffic Safety Now, Inc.
Helen Stephens	Topeka	Ka. Eng & Society
BRUCE GRAHAM	TOPEKA	KS MOTOR CARRIERS ASSN.
SGT. BOB GIFFIN	TOPEKA	KS HIGHWAY PATROL
SGT. STEVE JENSEN	OLATHE	KS HIGHWAY PATROL
LT. BILL JACOBS	TOPEKA	KANSAS HIGHWAY PATROL
Ken Behr	Topeka	Ks. Ethanol Assn.
Rep Jessie Rowson		
Mary E. Turkington	Topeka	Kansas Motor Carriers Assn

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 2-12-86 Place _____ Time _____

GUEST LIST

NAME

ADDRESS

ORGANIZATION

Bert Cantwell	Treka	KHP
Lynne Willy	Lawrence	Jim Clark Motors
Dale Willey	Lawrence	DALE WILLEY Pont-Cad.
Karen Keem	Mission Hills	Wen. Langworthy
Kelle Reesch	Lawrence	KS Trial Lawyers
Katharine Clark	Wichita	Intern

TESTIMONY CONCERNING SENATE BILL 520
BEFORE THE SENATE TRANSPORTATION AND UTILITIES COMMITTEE
PRESENTED BY BOB W. STOREY
REPRESENTING TRAFFIC SAFETY NOW, INC.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Bob Storey, and I represent Traffic Safety Now, which is a nonprofit corporation organized to save lives and to prevent injuries. Some representatives of the ownership in the corporation are:

Kansas Highway Users Conference
American Association of Automotive Medicine
Kansas Engineering Society
National Automobile Dealers Association
Motor Vehicle Manufacturers Association
of the United States, Inc.
Chrysler Corporation
Alliance of American Insurers
American Seat Belt Council
Ford Motor Company
General Motors Corporation

Before you today is Senate Bill 520, which may be commonly described as mandatory safety-belt legislation.

The bill is self-explanatory; however, I would like to point out briefly some of the provisions of the legislation. The bill provides that it shall be mandatory for any driver of a vehicle, and also for any passenger located in the front seat of a vehicle, to engage their safety belts before the vehicle is in

ATT. ①
S. TU 2/12/86

operation, and to wear them at all times while the vehicle is being operated on the streets, roads, or highways of the state of Kansas. It should be noted here that the bill speaks only to passenger automobiles which are not on a truck chassis, and which are capable of transporting only 10 or fewer persons. It has been determined that pickups and other trucks and/or farm vehicles are not involved in the legislation. In addition, the bill provides for an educational program to be set up by the Department of Transportation to educate our citizens in the use of safety belts. It also provides for a fine of \$25.00, including court costs, for any violation of this act. Finally, the bill provides that any violations under this act shall not be reportable to the Kansas Department of Revenue. This means that any violation would not be counted as a moving violation against an individual's driver's license. Nor would such a violation be placed on an individual's motor vehicle record for the Department of Revenue, which is accessible to insurance companies in developing ratings for those persons who purchase liability and collision insurance. In effect, this would mean that an individual's insurance rate could not be raised because of violations of the mandatory safety-belt law.

Those, in brief, are the main points of the legislation. Now I would like to give briefly the reasons that the organization I represent, and its supporting organizations, are here, asking you to look favorably upon this legislation.

Traffic Safety Now, Inc. is dedicated to passing a mandatory safety-belt law in all fifty states in the Union, or at least to doing everything within its power to reach that goal.

I know many of you have heard of the federal mandates of Secretary of Transportation Elizabeth Dole, who has stated that if by 1989 two-thirds of the states in the Union do not have a mandatory safety-belt law, then the automobile industry will be forced to manufacture their automobiles with air bags. However, I hope the members of the committee here realize that this is not the primary reason for the introduction of the mandatory safety-belt law in the state of Kansas, or in any other states. The plain fact is that the mandatory safety-belt law is to educate individuals to use safety belts, and to train minors who ride in automobiles to use safety belts. Such a law can save lives of thousands of persons, any of whom may be your friend or relative.

As of today, 17 states and the District of Columbia have passed mandatory safety-belt laws. I will not take the time in this written testimony to spell out the startling statistics in those states which have implemented a safety-belt law and their data can now be taken. However, in the packet you have before you, supplied by the Kansas Coalition for Safety Belts, please take the time to read the statistics. They include figures to show how many lives have been saved and how much mutilation has been prevented by mandatory safety-belt legislation.

Also, I feel a compelling need to point out a story which appeared in the Detroit Free Press of January 7, 1986 (copy attached as Exhibit 1), since in my opinion that relates a historic moment as to the effectiveness of safety belts. Radio operator Ron Foster reported on Monday morning January 6 that for the first time in 10 years there were no deaths during the first weekend of the new year. Lieutenant James Downer of the Michigan State Police operations division commented:

I would say this probably wouldn't have occurred without a seat belt law.

I feel, too, that this probably would not have occurred without a safety-belt law. This dramatically depicts what a mandatory safety-belt law has done in the state of Michigan, and can do in the state of Kansas.

Saving of lives, we believe, would be sufficient reason to pass a mandatory safety-belt law in this state. However, we know there are some arguments you will hear against mandatory safety-belt legislation.

The only known opposition today to a mandatory safety-belt law in Kansas is from those who believe such a law would be an infringement upon a right or a constitutional right. Those persons believe that if they want to injure, maim, or kill themselves, it is their right to do so and the state should not intervene with that right.

Obviously this is a fallacy. As recently as December 1985, Lancaster County Judge Donald Endacott ruled in Nebraska that the right to drive an automobile is a privilege granted by a

state, and not a constitutional right, and for that matter not any type of a right; and that this privilege may be taken away at any time, or may be restricted, depending upon the state legislature's decision to pass certain laws relating to driving an automobile in a given state. The Judge also addressed the argument that a person who refuses to use safety belts jeopardizes no one but himself. Society incurs costs when a person is injured because of failure to use a safety belt. The Judge stated in the decision, and I quote:

These include the direct costs of law enforcement investigations at the scene of the accident, emergency medical treatment at the scene, transportation to the hospital, care and treatment in the hospital and after-care. Also included are indirect costs such as loss of productivity, public welfare, loss of income taxes and rehabilitation.

A copy of the article in the Omaha Herald on December 14, 1985, setting out this decision is attached hereto as Exhibit 2.

This legislature has passed laws restricting an individual's right to drive an automobile if that individual has sustained three or more moving violations in one year; if that individual has been convicted of driving while under the influence of drugs; if that individual is driving while his license is suspended; and in many other instances. There is no question but that the legislature has the right to pass a mandatory safety-belt law, stating that those individuals who drive without the use of safety belts are in violation of the law and may receive a citation for abusing that particular law.

In this same vein, we must point out here that even though an individual enjoys certain rights in this state and in our country, the law has fallen short of condoning the right of any individual to injure himself intentionally or to commit suicide. Therefore, we do not believe it is an individual's right to choose whether he wants to protect himself, since the Congress of the United States and all state legislatures are bound to promote the health, welfare, and safety of each individual under their jurisdiction.

There is one additional and stronger argument against the assertion of an individual that he or she has the right to injure, maim, or kill himself or herself, and that the legislature should not intervene with that right. We all are aware of the tremendously high and rising medical costs attributable to every individual in the state of Kansas and the United States. Again, this was pointed out distinctly by Judge Donald Endacott in Nebraska in the ruling which is attached hereto as Exhibit 2. As stated in the Medical Tribune of Wednesday, December 4, 1985 (copy attached as Exhibit 3) and in "A Position Statement" of the American Academy of Orthopaedic Surgeons published in Chicago in 1985 (copy attached as Exhibit 4), a large amount of the rising health costs is directly related to those individuals who receive injuries which are very costly in hospital and doctors' bills, which injuries could have been prevented by the wearing of safety belts. If the law were mandatory, then we firmly believe, as has happened in other states, that its being mandatory would educate individuals

to the use of safety belts at all times on the streets, roads, and highways of our state. Use of safety belts certainly could result in a reduction of health care costs and a great savings to all of our citizens.

One of the most difficult problems we in Traffic Safety encounter is negating the argument that a state should not impose mandatory sanctions on those who drive automobiles in the state. However, the very nature of the motor vehicle laws of the State of Kansas dictates that the legislature could, should, and does impose sanctions on all persons driving an automobile, and almost without exception those laws are implemented for the safety of our citizens. It is very difficult for one to understand then why a mandatory safety-belt law, which would prevent thousands of deaths and injuries, should not be implemented by the legislature. In fact, we could presume that it would be a duty of this legislature to protect lives if at all possible, and it certainly is possible by the implementation of this act.

I would encourage you to listen to the testimony of those members of the medical profession who are going to offer their thoughts on injuries and deaths that could be prevented by the implementation of a mandatory safety-belt law, and the possibility of at least helping to curb rising medical costs by the implementation of this law.

Also, you will hear testimony from individuals whose lives were saved, or who were saved from serious injuries, by the use of safety belts. These certainly are testimonials as to what a mandatory safety-belt law can and will accomplish.

I am sure you also will hear arguments that the law is unenforceable. However, I can only say to you that if a law enforcement officer stops an automobile because the driver or a passenger in the front seat of that automobile is not wearing a safety belt, then it certainly is enforceable by the issuing of a citation. Bear in mind here that the purpose of this law is not to punish people for not wearing safety belts, but to make them aware of the importance of a safety-belt law, and to educate adults and minors to use their safety belts at all times while operating a vehicle.

After all, it takes only a few seconds to buckle a safety belt. In contrast, sometimes it takes weeks, months, years, or an eternity to recover from an injury or death which occurs because of the nonuse of safety belts.

Traffic Safety Now and all of the supporters of this legislation appearing before you in these hearings urge you to recommend the passage of this bill to the full Senate, with the recommendation that it be passed and sent to the House of Representatives. This will show the states that have passed mandatory safety-belt laws that we are in complete agreement with their action; and will show those states that have not passed such a law, that we recommend strongly they act for the benefit of all of their citizens.

Thank you for your consideration.

Respectfully submitted,

BOB W. STOREY

Detroit Free Press

Section A, Page 3

SECOND FRONT PAGE

Tuesday, January 7, 1986 ••

DETROIT FREE PRESS/WEDNESDAY, JAN. 8, 1986

We all came back alive

SOMETHING extraordinary happened last weekend in Michigan. Actually, it's what didn't happen. No one was killed in a highway fatality, some of the worst weather yet this winter notwithstanding. To what do we owe this happy statistic? Police officials say it is probably a combination of two factors: the state's seat belt law, which people are actually taking seriously, and the aftereffects of one of the more sober New Year's celebrations the state has known in a long while.

Stricter enforcement of drunken driving laws and a raised consciousness on the part of bar owners and patrons has cut down considerably on alcohol-related road accidents and deaths. So evidently Michigan residents are getting the idea that an automobile is not a plaything for a drunken lark and that mandatory use of seat belts is not the curse of a tyrannous government.

Detroit Free Press 1/7/86

1st in 10 years: No deaths on state highways

By RUTH SEYMOUR
Free Press Staff Writer

When Lt. James Downer walked into the Michigan State Police operations division in Lansing on Monday morning, Radio Operator Ron Foster just grinned at him.

On other Monday mornings, Foster had handed over a grim report describing the deaths of Michiganders in weekend auto accidents.

But this Monday was different: There were no deaths for the first weekend of 1986.

It was the first time that has happened in at least 10 years, Downer said.

"I would say this probably wouldn't have occurred without a seat belt law," he said.

He said the average number of traffic deaths each weekend is eight or nine. Between 1,500 and 2,000 Michiganders a year die in auto accidents. The state has 6,200,076 licensed drivers, he said.

Omaha Herald 12-14-85

Judge Clarifies the Argument By Upholding Seat Belt Law

Lancaster County District Judge Donald Endacott, in ruling that Nebraska's automobile seat belt law is constitutional, helped clarify the issues in the campaign by opponents of the seat belt law who want Nebraska voters to repeal the law next November.

Endacott methodically put down the arguments used by opponents who say the Legislature unconstitutionally exceeded its authority when it required motorists and front-seat passengers to use seat belts.

Driving is a privilege, not a basic right, Endacott said. Consequently, the Legislature has the power to establish regulations for the exercise of that privilege. Endacott, addressing other contentions, said the seat belt law is not unreasonable, is not arbitrary and does not improperly delegate legislative authority to the federal government.

Opponents have argued that the seat belt law is a violation of the civil rights of individuals who prefer not to use seat belts.

Not so, the judge ruled. "The requirement that plaintiff wear a safety belt may be inconvenient for him, but it does not deprive him of any constitutionally protected liberties, rights or freedoms," Endacott said.

He also addressed the argument that a person who refuses to use seat belts jeopardizes no one but himself. Society incurs costs when a person is injured because of a failure to use a seat belt.

"These include the direct costs of law enforcement investigations at the scene of the accident, emergency medical treatment at the scene, transportation to the hospital, care and treatment in the hospital and after-care," he said. "Also included are indirect costs such as loss of productivity, public welfare, loss of income taxes and rehabilitation."

Some opponents may decide to continue campaigning against the law by arguing that it is a violation of the individual's rights. Judge Endacott, however, deprived that argument of most of its punch.

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Medical Tribune

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AI

AI STANDS FOR ARTIFICIAL INTELLIGENCE, the aim of expert physicists, mathematicians, and psychologists who seek to make computers equivalent to the human brain. Gerald Feinberg, who is a physicist at Columbia University, has asserted in his recent book, *Solid Clues: Quantum Physics, Molecular Biology, and the Future of Science*, that "once we understand any intellectual activity well enough to describe clearly what it accomplishes, then eventually we can teach computers to do it."

Ah, there's the rub. Will we ever understand important intellectual activities well enough to describe clearly what they accomplish? Even in the rare instances when we do, the problem of teaching the computer to duplicate the accomplishment is extraordinarily difficult. Witness the game of chess where, a priori, one would grant that the computer has certain advantages over the human brain. The effort to make the computer as good as, or better than, a chess grandmaster has gone on for years and still has not been achieved, although we are assured that it will take place, any day now.

M. F. Perutz, Nobel laureate in chemistry and a molecular biologist, has pointed out in *The New York Review of Books* (September 26) that "computers work about three million times faster than brains, because electric impulses travel along nerves at a mere 100 meters a second, while they travel along metal wires at nearly 300,000 kilometers a second."

Furthermore, the potential memory bank of a computer is enormous, since it can call upon multiple supplementary discs and tapes.

On the other hand, as Perutz further noted, "in a computer, each switch works as an on-off device and is normally connected to only three other switches, while each of the ten thousand million nerve cells in the brain may be connected to more than a thousand others." And this complex axonal and dendritic network, although generating electric currents, works by means of chemical neurotransmitters and their receptors.

"In short," Perutz added, "computers are electromagnetic devices with fixed wiring between more or less linearly connected elements, while brains are dynamic electrochemical organs with extensively branched connections continuously capable of generating new molecules to be used as transmitters, receptors, modulators, and perhaps also capable of making new connections."

Justice Oliver Wendell Holmes once said, "Life is a romantic business. It is painting a picture, not doing a sum. But you have to make the romance. And it will come to the question of how much fire you have in your belly."

The computer will outdo man in doing a sum and all that that implies in mathematical calculation. But the likelihood is vanishingly small that the computer will ever be able to make the romance and the fire that arises in the belly. A. S. J.

More on Seat Belts

LAST WEEK, we hailed the 16 states that have enacted seat belt laws mandating the use of this protective device by the occupants of the front seats of cars. Even in the short time this has been required, lives have been saved. Compulsory use of front seat belts in Britain was introduced in 1983 and, as noted in the *Br Med J* (291:757, 1985), "the seat belt law is saving about 400 lives a year and perhaps 5,000 casualties being admitted to hospital. This law—and the surprisingly high level of acceptance of it by the driving public—must be one of the most successful pieces of public health education ever."

Britain does not require the presence of rear seat belts in its cars. The leading article in the *Br Med J* noted: "In-depth studies of crashes have shown that one of the limitations to the protection of front seat occupants occurs in frontal collisions

when correctly belted front seat occupants are injured by unrestrained rear seat passengers. If rear seat occupants used seat belts as frequently as front seat occupants do now there would be two benefits: rear seat occupant deaths and injuries would be reduced by some 70%, and there would be a further reduction of some 6% in front seat casualties."

In any event, here in the United States, the 16 states that have enacted front seat belt laws ought to be joined by the remaining 34. And since American cars do have rear seat belts, their use should be required by rear seat passengers.

Much is said about better public health and the reduction of medical costs. There are two prime areas where these can readily be achieved—discontinuing cigarette smoking and using seat belts in the front seats and in the rear seats of cars. A. S. J.

Testing of Generics Ignores Elderly

Clinical Quote: "If the disease under study is cardiovascular disease and the drug is nitroglycerin, the FDA should not be giving that to a healthy young population, unless they are trying to work out pharmacokinetics. . . . They should be studying it in the elderly. There is a range of clinical factors that have to be taken into account in evaluating a drug. Age is one. Sex is another." (Dr. Neal R. Cutler. Page 10.)



"No, middle-age spread isn't something middle-aged people put on bread."

LETTERS TO TRIBUNE

Time to Overhaul Law?

I applaud Dr. Sackler's editorials (MT, Sept. 18 and 25, and Oct. 2) on the somewhat arbitrary exemptions of generic drugs from FDA testing standards. Permit me to report another example of the FDA's bureaucratic arbitrariness.

I have a patient with Bechet's disease. She is sensitive to sulfa drugs. Azulfidine is thought by some to be helpful. Azulfidine is sulfasalazine, which is metabolized in the gut to 5-aminosalicylic acid and sulfapyridine. I would like to give my patient the 5-aminosalicylic acid without the sulfa. Pharmacia is forced to go through an NDA to get this drug on the market although it has been given in combination for years.

In order to provide my patients with this medication I have to become a one-man testing organization. I must have a hospital board monitor this drug. I must provide the FDA with periodic reports. I must fulfill the ridiculous to help a sick girl, simply because of capricious decisions by the FDA. When I spoke to the FDA about this, the medical officer who gave me the guidelines, and who was in charge of the project, did not know the composition of Azulfidine.

Azulfidine has been given for years with a good safety record. One would think that one of its moieties could be given safely, without red tape and nonsense. After all, we are in the business of trying to help people.

I believe that the exemption of generics, and the application of rigid standards to 5-aminosalicylic acid, which has been used for years, is punitive to patients who might benefit. It is time to overhaul the law.

CHARLES HARRIS, M.D.
Toms River, N.J.

'Head in the Sand' Mentality?

After reading the positions taken by Drs. Redlener and Klinghoffer (MT, Oct. 23) on the issue of preparedness to treat casualties in a nuclear disaster—whether it be terrorism, accident, or war—I was angry and appalled.

I find it extremely presumptuous of Dr. Redlener to assume that he has "the support of doctors in this country" for his leftist-leaning, prodismament, head-in-the-sand mentality. Physicians are among the most conservative members of any society

and most would disagree completely with the theories of Dr. Redlener and the Physicians for Social Responsibility.

Carl Sagan's "Nuclear Winter" theory is just that—a theory. There are many eminent scientists who dispute his theory quite eloquently.

To state that nuclear war is unsurvivable and then not prepare to survive is to issue a self-fulfilling prophecy. In the vast regions of the United States with no targeted military installations there would be millions of people who could expect to survive a nuclear war, GOD FORBID—if they had adequate civil defense of home fallout shelters. Unfortunately, the Dr. Redlener's of this country have held sway over our thinking for so long that almost no one has such shelters and very few physicians are prepared to treat survivors of such a disaster.

Indeed for the most part we as physicians have abdicated our responsibility to be prepared to treat survivors of such a disaster. The Doctors for Disaster Preparedness group is much more in line with the mainstream of physicians in the United States. We need more courage to face the future, not the defeatist thinking of the PSR group.

JAMES R. UHL, D.O.
Parkville, Mo.

Danke Schön

I want to thank you for your Doctor's Children Exchange Program. It was a marvelous idea and I highly recommend you continue and enlarge it, and I also encourage my colleagues to take part.

Two of my children, ages 14 and 10, went to Germany to two absolutely wonderful families. They were welcomed and cared for like one of the family and have many happy memories.

We feel that we have established a lifelong tie with our new German friends and hope to continue it in the years to come.

Thank you again and please continue the program.

R. D. DWYER, M.D.
Houston, Texas

Short and Sweet

I am most grateful for your series of articles on generic drugs (MT, Sept. 4, 18, 25, Oct. 2, 16, 23; Nov. 6, 20, 27).

P. DAVID JARRY, M.D.
Holden, Mass.

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The Physician's Approach

THE OCTOBER 1985 ISSUE of *Cancer Treatment Reports* is devoted to a symposium on quality assurance in cancer clinical trials, which took place in Washington, D.C., almost exactly one year ago. Katherine M. Taylor, Ph.D., a sociologist affiliated with the department of behavioral science of the faculty of medicine at the University of Toronto, delivered a paper on "The Doctor's Dilemma: Physician Participation in Randomized Clinical Trials." What is of particular interest is her description of "two distinct philosophies, either experimenter or therapist, among physicians with regard to participation in clinical trials." Her analysis can prove illuminating to the practicing physician.

Dr. Taylor lists six major characteristics that serve to distinguish the philosophies.

What is the physician's perception of his primary allegiance—the individual patient or the aggregate and future patients?

How does the physician interpret medical uncertainty? "Some physicians anticipate the uncertainty inherent in most clinical decision making and choose to act, rather than refrain from acting, when the treatment of choice is less uncertain. Others, however, interpret the uncertainties in the choice of optimal treatment as a signal to begin experimental procedures to pro-

vide a definitive answer."

What is the physician's attitude towards sharing or withholding information from patients? There are those who prefer restricting the discussion of uncertainty within the profession, while others believe patients should be told about controversy and uncertainty and "encouraged to participate in decision making."

Clinical experience is looked upon by some physicians as critical in making a medical decision, "while others discard personal experience as anecdotal information of little value."

How does the physician feel about current therapy? "Some physicians adopt a conservative, traditional approach to medical practice, while others, in sharp contrast, question every procedure."

Dr. Taylor lists the final difference as "related to the physician's relationship with colleagues. Some doctors continue an individualized approach to patient care, while others are anxious to pool information resources."

It is Dr. Taylor's belief, based in part on experience, that "the decision to enter, or not to enter, patients into clinical trials is strongly related to these six factors." The experimenter tends to do so, the therapist not to.

A. S. J.

Seat Belts

MASSACHUSETTS HAS JOINED 15 other states that have a law requiring motorists to use seat belt. In New York, which was the first state to enact a seat belt law, it went into effect on January 1, 1985, and for the first month or so, drivers were only warned if they or the front seat occupants were unbelted. Subsequently, they were fined. Statistics on the effect of these laws are as yet incomplete and only indicative, but gratifying.

In New York, from January to June 1985, there were 438 motorist fatalities compared with an average of 608 for the same six-month period in the previous five years. In Illinois, where the law has been enforced since August 1, the number of car occupants killed in traffic accidents fell 27.9% in August and September, compared with the figures for these months in 1984. In New Jersey, the decline in fatalities for the first four months in which the law has been in effect has only been 13%, but that too is not to be sneezed at.

In Michigan, there was a 28% decline in fatalities during the two months the law has been enforced, equaling the percentage decline in New York. The executive

secretary for the Michigan Coalition for Safety Belt Use, Thomas O. Reel, said, "If this trend continues, we expect to save 300 lives on Michigan roads during the first year that the law is in effect, as was projected prior to the law's passing."

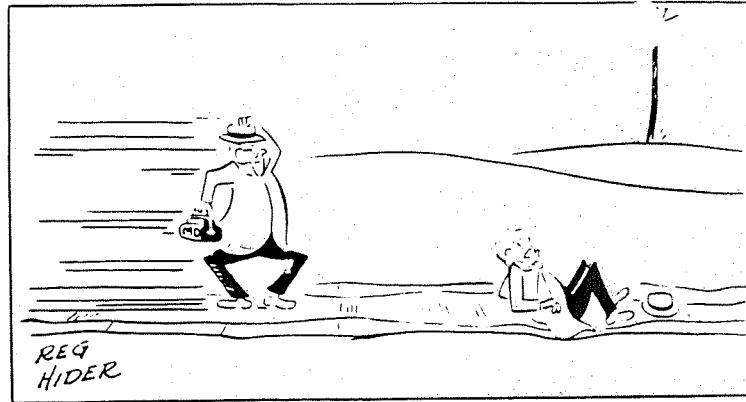
Seat belts have been around for a long time and are required equipment in automobiles. Their use, however, has not been mandatory until now and, so far, is required in only 16 states. Back in 1969, David Foster, Ph.D., an English mechanical engineer, estimated that seat belts had only a 15% utilization and made only a 5% contribution to overall reduction of auto injuries. That may well be so when usage is not mandatory. But extrapolation from Dr. Foster's estimate suggests up to a 33% reduction in auto injuries when belting up is required and its implementation is enforced. That would be a respectable figure in preventive medicine.

States with a seat belt law are New York, New Jersey, Connecticut, California, Hawaii, Illinois, Indiana, Louisiana, Michigan, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, and Texas—a roll of honor.

A. S. J.

'A Mass of Potential Problems'

QUOTABLE: "As currently evaluated, generics pose a mass of potential problems. They are, in my estimation, inherently dangerous, their use motivated only by a consideration of the costs of medical care, not the quality. I generally do not prescribe generics." (Dr. Richard C. Inskip, Page 1)



LETTERS TO TRIBUNE

'We Are Human Beings'

I am rather astounded by the comments of Dr. Kuffner in the article "'For Profit' Doctors Get a Piece of the DRG Pie" (MT, August 7). Dr. Kuffner is quoted as saying, "We are human beings and know the effect financial rewards have on our behavior. Why should doctors be any different?" If this is so, and I am not disagreeing with him, how can he or anyone else support fee-for-service private medical practice in any form? All physicians in private fee-for-service medical practice make patient-management decisions every day which have personal financial implications of which we may or may not always be consciously aware, but I doubt that we could honestly say that financial considerations never affect our decisions. Dr. Kuffner just may be right. It may be that we should eliminate all private fee-for-service medicine and that any physician who is not interested enough in medicine to work for a fixed predetermined salary might better choose another occupation.

Leo J. Yoder, M.D.

National Hansen's Disease Center
Carville, La.

United States!

Finally, I ask Dr. Birnbaum and others who support abortion this question: would you have supported the "right" of your mother to abort you before you were born?

DONALD A. ROSE, M.D.
La Grande, Ore.

Medical Profession's Ills

I was quite pleased with your publishing of Dr. Harns' open letter to Senator Bradley (MT, Oct. 2).

Dr. Harns, in a very remarkable and professional fashion, has summed up the ills of the medical profession, not only in New Jersey, but nationally. His description and discussion of the facts, sometimes satirical, are only too true. The PSROs and other regulatory agencies add to the cost of the medical care but also add to the frustration of the physician attempting to conform to the system.

I would be happy to see a response to this article from Senator Bradley and other legislators in the metropolitan area. I think the publishing of this letter was not only timely and informative, but also necessary.

CLIFFORD W. TOLIVER, M.D.
East Orange, N.J.

Legal Slaughter?

In reply to the letter of Dr. Michael D. Birnbaum (MT, Oct. 16), "Return to Criminal Abortions?" I would like to make several comments.

Dr. Birnbaum believes in personal freedom and that "a woman should have the right to make her own reproductive choices." My question to that is: Doesn't the unborn baby have any freedoms—even life?

He mentioned that women have been mangled by criminal abortionists, which is true. It is also true that morbidity (physical and psychological) and mortality follow "legal" abortions. Furthermore, the fact that children and adults are murdered by criminals doesn't justify their murder at "legal" slaughter houses by "legal" slaughterers instead.

Dr. Birnbaum cites complications of criminal abortions by the '60s as "a leading cause of maternal deaths." As bad as maternal deaths are, they don't even approach the more than 700,000 deaths of future mothers in each year that abortion has been "legal." In 1985, abortion accounts for 1.6 million deaths per year, the largest cause of death of any type in the

Criteria for 'Humanness'

Dr. Willke's criteria for humanness set forth in a letter (MT, Sept. 25) commenting on Dr. George Crile's article "When Does Human Life Begin," (MT, March 6) seem to include the possession of 46 chromosomes. Where does this leave those with XO (Turner's syndrome), or XXY (Klinefelter's syndrome) creatures?

How will we classify an organism with some genes that originated in a different class of organism? Some day we will surely have such, if genetic research and therapy progress much further.

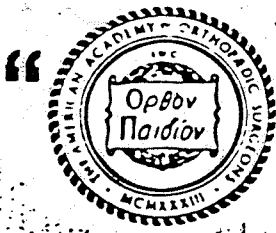
How about the future experiment in which a human being can be cloned from a piece of skin? Does not every cell in the body have the potential to become a human being? Doesn't every cell have all the genetic information needed? Will we then forbid any procedure which destroys any cell anywhere in the body?

Seriously, folks, this is where your halibaked, half-blind arguments are leading you.

BROOKS A. MICK, M.D.
Findlay, Ohio

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Our publications regularly feature a "Letter of the Month" and reward the writer



American Academy of Orthopaedic Surgeons

"A Position Statement"

444 North Michigan Avenue • Chicago, Illinois 60611

312 / 822-0970

Contact: William H. Spelbring

THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS STRONGLY ENDORSES THE VIEW THAT ALL MOTORISTS SHOULD BE REQUIRED BY LAW TO WEAR SAFETY BELTS.

Data from the National Safety Council showed that in 1932 there were 46,000 fatalities from motor vehicle accidents and 1.7 million disabling injuries at a cost to this country of 41.6 billion dollars. The Council further estimates that by 1990 an additional 100,000 front seat passengers will die because of failure to use safety belts currently available. About 70 percent of all motor vehicle accidents occur within 25 miles of home and more than 80 percent occur at speeds under 40 mph.

For more than two generations motor vehicle accidents have been a major cause of death and injury for the youth of this country. The safety belt is the most effective safety device available to every motorist because it prevents the second collision; the collision of the occupant with the inside of the vehicle. To be effective, however, the seat belt must be buckled around the person. There have been no reported medical contraindications to safety belt usage. The risk of injury for pregnant females and for motorists with arthritis, osteoporosis, stiff joints or any other medical condition is greater if safety belts are not used. While it is true that a few injuries have been reported attributable to seat belt use, review of the statistics gathered over the past years makes it quite clear that the risk of injury from wearing seat belts is far less than the benefits.

Safety belts, by holding the occupant within the vehicle, prevent virtually all ejections. Ejection from a crashed vehicle increases the risk of fatal injury ten times and accounts for more than 25 percent of all motor fatalities. The head and chest, the most frequent sites of fatal anatomic damage in motor vehicle accidents, are protected by safety belts. Safety belt usage costs the motorist nothing but a little thought yet provides maximum crash protection.

Since 1967, federal law has required that all cars and light trucks sold in the United States be equipped with safety belts but, tragically, they are used by only 13 percent of motorists. Educational campaigns over the past 20 years, utilizing the most sophisticated educational and communication methods, have failed to convince motorists that it is smart to take their lives in their own hands and fasten the safety belt. Among developed nations, only the United States does not require safety belt usage by law. The Australian state of Victoria was the first local government to require safety belt usage in 1970. Since then the governments of 30 countries have required safety belt usage, with compliance of 50-90 percent being achieved. In the Canadian province of Ontario, motor vehicle deaths have been reduced by 40 percent and serious injury by 57 percent with a compliance rate of between 50-55 percent.

Traffic accidents in the last three years have killed more Americans than died in Vietnam and Korea. Clearly, highway carnage is a problem of great consequence for this country and must be attacked by a combination of mandatory safety belt legislation and a thoughtfully conceived and implemented educational campaign.

THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS STRONGLY ENDORSES THE DEVELOPMENT AND INTRODUCTION OF PASSIVE PROTECTION SYSTEMS AS AN ADJUNCT TO A SAFETY BELT USAGE LAW.

Passive restraints have been available in this country since 1973 and provide crash protection comparable to that provided by safety belts. Passive restraints are automatic, do not require active compliance by the motorist and automatically function in the event of a crash. The air bag is the most publicized passive restraint but current availability is limited to just one luxury car model. Maximum passenger protection is provided by the combination of a lap belt and the air bag restraint. Automatic safety belt systems have been available since 1975 in one inexpensive small car. Further passive protection through improved dashboards, windshields, steering wheels, door and seat designs is an achievable design objective and is being incorporated in most newly designed vehicles. The obvious advantage of passive restraints is that motorists persisting in not using safety belts, despite a usage law, will still benefit from passive protection systems.

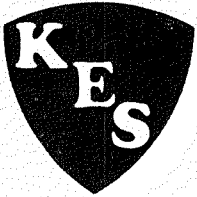
THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS BELIEVES ALL HEAD RESTRAINTS SHOULD BE OF A FIXED DESIGN.

A fixed design would provide automatic head restraint protection and require no adjustment by motorists. Head rests have been mandated by federal law since 1960 and have been instrumental in reducing both the frequency and severity of hyperextension neck injuries. Approximately 70 percent of cars in this country have adjustable head rests but only 30 percent are properly adjusted to protect the user. Proper adjustment requires elevating the head restraint to the height of the occiput of the skull. Only the shortest motorists (62 inches in height or less) are protected with the head rest in the downmost position. Fixed head restraints, however, do not require adjustments and will protect all occupants up to the 95th percentile in height.

THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS BELIEVES THAT ALL MOTORISTS WHO TRANSPORT CHILDREN SHOULD INSTALL AND USE CHILD RESTRAINTS AND IT URGES MANUFACTURERS TO SIMPLIFY AND IMPROVE THE DESIGN OF CHILD RESTRAINTS TO FACILITATE THEIR USE.

Child restraints are now required in the majority of the United States. Child restraints provide children with the same degree of crash protection available to adults using safety belts. Recent studies show, however, that three-quarters of child restraints are not properly used. Common faults such as improper attachment of the restraint to the vehicle or improper buckling of the belt within the restraint can result in injury to a restrained child. Significant improvement in child restraint design is possible and would facilitate proper use.

MANDATORY SAFETY BELT USAGE, FIXED DESIGN HEAD RESTRAINTS AND SIMPLIFIED CHILD RESTRAINT SYSTEMS WOULD BE THE MOST COST EFFECTIVE MEASURES THIS COUNTRY COULD ADOPT TO PREVENT FURTHER NEEDLESS DEATH AND INJURY FROM MOTOR VEHICLE ACCIDENT.



Kansas Engineering Society, Inc.
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Testimony for the Senate Transportation
and Utilities Committee
February 12, 1986

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Executive Vice President

Mr. Chairman, members of the committee the 1100 members of the Kansas Engineering Society strongly endorse a mandatory seatbelt bill for the state of Kansas. We believe S.B. 520 is a measure that is both enforceable and is also an economical way of protecting our lives and reducing our injuries in automobile accidents.

Like any other professional group we do not enjoy governmental intrusion to our profession or our lives but we believe S.B. 520 does not constitute such an intrusion. A mandatory seat belt bill, if passed by you, would not affect any rights, constitutional or otherwise, that we possess-it will regulate a privilege we enjoy.

The engineering community feels a mandatory requirement for seat belt use is the best safety bargain we can possibly buy. The costs are minimal: nearly all cars have seat belts; the enforcement cost would be almost negligible; and motorist educational costs would be reasonable.

A second reason our organization supports mandatory use of seat belts is that based upon the data we have today we believe seat belts best assist the vehicle occupants in the most types of accidents. They of course will protect motorists in one of the most damaging injury situations, the frontal collision. But unlike some other devices proposed as passive restraint systems seat belts will also protect a vehicle occupant from side hits and collisions from the rear. Indeed, those advocates of air bag installation agree that air bags are most effective when used in conjunction with seat belts. Thus, while there are other means of protecting individuals from injury no single safety device offers as complete protection as does the safety belt now available to all of us at no charge.

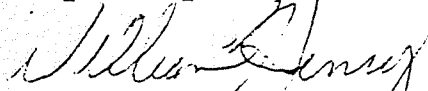
The only argument we have heard mentioned in opposition to seat belts is the argument of "freedom of choice." As mentioned before many engineers lean to a minimal meddling by government in citizens' activities. However we must take into consideration the balancing effect that governmental intervention should occur when the public's health, safety and welfare is at stake. The fact is we do not want to bear as individuals significant portions of the cost of accidents which are now being borne by government for those people who are unable to pay those costs associated with the accidents they have. We do not want to pay the accident costs

ATT. (2)
S.T+U 2/12/86

which are reflected in our automobile insurance premiums and our health insurance premiums. We therefore conclude that government, and we as citizens of that government, have a significant monetary stake in this matter that justifies the passing of mandatory seat belt legislation.

We appreciate the opportunity to present our position to the committee and will be happy to follow-up on any requests for information the committee may have.

Very Truly Yours,



William M. Henry
Executive Vice President
Kansas Engineering Society

WMH:mg

③

TO: The Committee on Transportation & Utilities

FROM: Candy Norwood
Lecompton, KS

RE: Testimony for Senate Bill 520

My daughter, Kelli, and I are both charter members of the Kansas Saved by the Belt Club. I wanted to tell you about the accident we were involved in because its evidence that seat belts do save lives.

This accident happened a year and a half ago. Kelli was five years old and I had just picked her up at the babysitters and we were headed home. I was making a left turn off the highway onto a gravel road when a car broadsided us - on the driver's side - spinning our car around 180° and throwing the car into a ditch. Neither Kelli nor I remember the collision itself. We didn't hear the screeching tires, the car slamming into us, the glass shattering - and we don't remember the car spinning around and crashing into the ditch. The first thing I do remember is sitting in the car, my hands still on wheel, and a young man at the window asking if we were all right. I said - I'm fine, how are you? It wasn't until Kelli began to cry in the back seat that my head started to clear and I realized what happened. The other driver explained that he was trying to pass and I guess he thought he could get around me before I made my turn. (He said later that he was in a hurry to get to a Royals game and he estimated his speed at 55 mph.)

He was so relieved to see that we had our seat belts on, and he told us that he had been wearing his too. In fact he was able to get right out of his car to come over and help us. He was not injured whatsoever.

I had numerous cuts on the side of my face from flying glass, bruises down the left side of my body and a fractured shoulder blade. Kelli was absolutely terrified that I was going to die - because of the blood and because I was unable to move from behind the wheel to comfort her. It was very traumatic for her. Kelli's only injury was a bruise on her hip where the seat belt had held her in place in the middle of the back seat. Kelli refused to be unbuckled and removed from the car until the police and ambulance arrived and told her it was safe to get out.

If you're like me - you never think you're going to be in an accident. You always think that you're a safe enough driver and drive defensively enough to avoid an accident. But we were hit out of the blue - we had no warning - no chance to react.

It's frightening to look back and wonder what would have happened if we'd not been buckled up. For one thing - both cars were totalled in the accident. And the inside of our car looked as though a tornado had gone through it - like everything had been picked up and set down someplace else. There was dust, glass, papers - anything not tied down - scattered throughout the car. My glasses were later found in the middle of the highway. So the force we were hit with - and spun around with - had to be great. Without the seat belt, my injuries would certainly have been more extensive. And I hate to think about Kelli's light body

ATT. ③
S. TU 2/12/84

being flung around the inside of the car, and possibly out of it, with that kind of force. She definitely would have been seriously injured and she may never have lived to see her 6th birthday. This is my only child, the only one I'll ever have, so not buckling up is a risk we just won't take.

Kelli is very aware that she owes her life to the seat belt and she just doesn't understand why everyone isn't buckling up. There's no doubt that seat belts made a difference in our accident, and now when I read about fatalities in the newspaper, I always wonder if seat belts wouldn't have made a difference for them.

A mandatory seat belt law will result in more people buckling up and more lives "Saved by the Belt."

2

Dispatch Christian Reformed Church

RURAL ROUTE 2
(913) 454-6608
CAWKER CITY, KANSAS 67430

February 7, 1986

Senate Transportation Committee Hearing
Senator Bill Morris
Topeka, KS. 66601

Dear Senator Morris,

I want to begin by expressing my regret for not being able to appear personally at the Transportation Committee Hearing in order to share my personal testimony about the importance of wearing seat belts.

Let me briefly describe the accident in which I was involved on May 14, 1985 in which the wearing of my seat belt played a significant role.

I was headed east-bound out of Glen Elder, KS. on my way to Beloit on a drizzly afternoon when the accident occurred. The driver of a 4x4 pick-up truck had dozed-off at the wheel of his vehicle and veered off onto the dirt shoulder. Upon being jolted awake, he attempted to regain control of his truck and get it back properly onto the roadway again. But in doing so, he over-compensated and, due to the slick conditions, came straight across into my lane of travel. The front end of my vehicle ran squarely into the passenger door of his pick-up, the two vehicles slapped against each other side to side, and we both landed in the ditch.

Mind you, I never saw any of this coming. Though I had slowed down due to the slick conditions, I literally "never knew what hit me" or what I hit. In that regard, I had no opportunity to brace myself or prepare in any way for the impact of the collision. One moment I was one my way to Beloit, the next I found myself surrounded by the members of the Rescue Squad.

Upon impact, the front windshield was shattered. and I slid far enough forward to bruise my knees. The frontend and side of the car were so crumpled that it took 30-40 minutes for the Rescue Squad, with the aid of the "Jaws of Life", to remove me from the car. Yet, because I was wearing my seat belt, I was kept from hitting the steering wheel, the windshield, or worse, being thrown from the car. I cannot help but believe as a Christian, that the Lord spared me, through the prudent use of my seat belt, from serious injury or death in order that I might continue to be of service to Him.

To look at the pictures of the accident and realize its severity is to wonder that I am still alive today. As it was, I spent 2 days in the hospital for treatment of mild whiplash and observation. The other driver-- who was also wearing his seat belt--walked away from the accident with only a bump on his head! There is no question in my mind: SEAT BELTS DO SAVE LIVES!

ATT: 4
S.T+U 2/12/86

Obviously, I cannot decide the mandatory seat belt issue for you. But as you can plainly see, wearing my seat belt certainly made a difference in sparing me from serious injury. I have regularly worn my seat belt for many, many years. But little did I ever imagine that it would ever play such a significant part in the preservation of my life. And yet, if I had not been "in the habit," I might well not be alive today to write this letter.

Driving a vehicle on roads that are traveled by many others is both a privilege and a responsibility. In order to enhance the safety of all those who use those roads, society has imposed certain guidelines: speed limits, vehicle safety regulations, and road maintenance. It certainly seems to me that enforcing some sort of seat belt regulation is in accord with that general concern to preserve the lives of all those who use our roads, if not for the sake of the driver, then at least for the sake of others who might inadvertently be involved in an accident. That's what defensive driving is all about.

As a minister of the Gospel of Jesus Christ, my greatest concern is to preserve life, and ultimately to direct people to Jesus Christ as the source of eternal life. If indeed encouraging people to wear seat belts is one way of preserving life, then I can be nothing but in favor of it.

Thank you for your consideration of this very important matter. I wish all of you the greatest wisdom in coming to an equitable and life-enhancing decision.

Sincerely,

Rev. Richard De Vries

Rev. Richard De Vries



WRECK SCENE—Pickup and station wagon were involved in wreck near Glen Elder and Richard DeVries is trapped in wagon. His wife

and helpers give support. DeVries was not seriously injured. (Daily Call photo)

Special crews free man trapped wreck

By Larry Funk

A 27-year-old man escaped serious injury in a two-vehicle wreck Tuesday in an ordeal that was made less shocking through the efficient aid of the Mitchell County Rescue Squad and Ambulance Service. Sheriff's officers were on hand to guide investigation at the accident scene.

The cooperative work and training helped end bad circumstances on a happy note.

One in the accident which occurred on a US-24 curve about one-quarter mile east of Glen Elder at 3:20 p.m., Tuesday was trapped in his station wagon by the steering wheel and dash.

The man, Richard DeVries, 27, of Cawker City, remained calm in the upright vehicle while his wife, who was called to the scene, and ambulance personnel remained by his side.

The rescue squad was summoned and the crew arriving first in the rescue vehicle went to work efficiently, without confusion. They knew what to do with hardly a word being spoken.

DeVries was covered for protection and the jaws of life was used first to pry open the driver's side door. The windshield was taken out, blocks were placed and a chain was used with the jaws to pull the wheel away.

Ambulance crews placed a back guard behind DeVries, who complained of neck injuries, and the victim was removed from the wagon, placed on a stretcher and taken on the ambulance run to the Mitchell County Community Hospital.

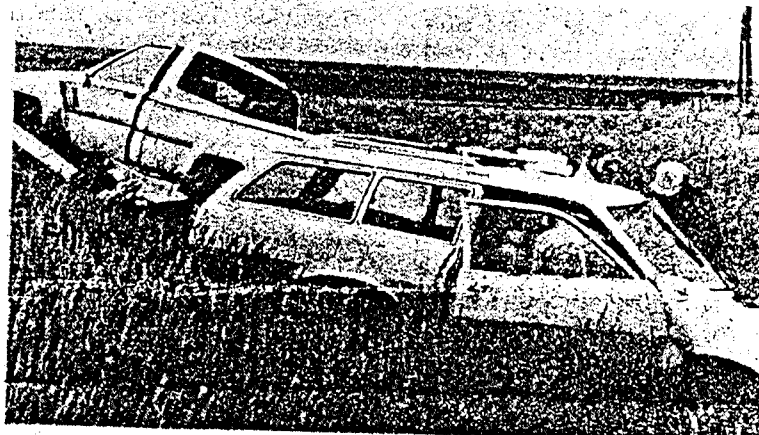
The work to freedom was done methodically and care of the patient was paramount. DeVries was freed at about 4:10 p.m., and hospital officials said this morning that he is "doing real well."

Deputy Sheriff Kevin Koster praised the rescue squad today, saying of members and members of the ambulance service that it is a big help to have people who know what they are doing and who go about doing it in helping officers at accident scenes.

"They knew exactly what to do," Koster said. The ambulance and rescue crews also helped in the search for the body of a man who drowned at Glen Elder Reservoir. The body was recovered Sunday.

Larry Heidrick, of the rescue squad, said after the wreck, "We train enough for it." He wasn't complaining.

Officers did note that some traffic going by could have compounded a congested situation by not obeying



JAWS OF LIFE—Mitchell County Rescue Squad and Ambulance Service have just freed Richard DeVries, trapped in his car after a two-vehicle wreck Tuesday. His wife, called to the scene, is in the foreground. Jaws of life tool is in the background. (Daily Call photo)

flashing red lights. The reminder is to pull over to the right and stop until they're signalled by officers.

Undersheriff Richard Sackhoff investigated.

He said that Richard Adams, 19, Rt. 4 Beloit, was westbound in a Toyota four-wheel drive pickup and DeVries was eastbound.

Adams said he fell asleep. He went off the north shoulder, oversteered and fish tailed broadside into the path of DeVries' vehicle. It had been raining and the road was slick at

the time.

The DeVries wagon caught the pickup head on, on the passenger side of Adam's vehicle. Both ended up in the muddy and watery south ditch. Both were on their wheels but a couple of witnesses said the Adams pickup rolled once. Both vehicles were totalled.

Adams sustained a bump on the back of his head, bruises and complained of neck and shoulder pain. He was treated at MCCH and released. DeVries was admitted.

Rev. Rich
RR 2 -
Cawker

Cawker City Ledger

Serving The Waconda Lake Area

Vol. 78 No. 23

DeVries is named to "Saved By The Belt" Kansas Club

The Rev. Richard DeVries, Cawker City, was recently welcomed as the first member from this part of the state to Kansas' Saved-by-the-Belt-Club.

DeVries, 28, was involved in a 2-car accident ½ mile east of Glen Elder, on Highway 24, May 14. He was trapped in his station wagon by the steering wheel and dash, but remained calm as



REV. RICHARD DEVRIES

the ambulance personnel from Beloit and the Mitchell County Rescue Squad was summoned.

DeVries was covered for protection and the jaws of life was used first to pry open the driver's side door. The wind shield was taken out, blocks were placed and a chain was used with the jaws to pull the wheel away.

Ambulance crews placed a back guard behind DeVries, who complained of neck injuries, and the victim was removed from the wagon, placed on a stretcher and taken on the ambulance to the Mitchell County Community Hospital.

Undersheriff Richard Sackhoff investigated.

He said that Richard Adams, 19, Rt. 4, Beloit, was westbound in a Toyota four-wheel drive pickup and DeVries was eastbound.

Adams said he fell asleep. He went off the north shoulder, oversteered and fish tailed broadside into the path of DeVries vehicle. It had been raining and the road was slick at the time.

The DeVries wagon caught the pickup head on, on the passenger side of Adam's vehicle. Both ended up in the muddy and watery south ditch. Both were on their wheels, but a couple of witnesses said the Adams pickup rolled once. Both vehicles were totalled.

Adams sustained a bump on the back of his head, bruises and complained of neck and shoulder pains. He

released. DeVries was admitted.

DeVries stated "I am quite convinced that wearing my seat belt spared me from any more danger. I was hospitalized for two days with whiplash; the other man had a lump on his head but was released following the accident. I never saw the pickup coming, or had an opportunity to 'brace' myself for the impact. My seat belt kept me in my seat and from going into the steering wheel or out of the windshield."

Rev. DeVries is pastor at the Dispatch Reformed Church, north of Cawker City.

KANSAS DEPARTMENT OF TRANSPORTATION



JOHN B. KEMP, Secretary of Transportation

JOHN CARLIN, Governor

MEMORANDUM TO: SENATE COMMITTEE ON TRANSPORTATION & UTILITIES

FROM: JOHN B. KEMP, P.E.
SECRETARY OF TRANSPORTATION

REGARDING: SENATE BILL 520

DATE: FEBRUARY 12, 1986

Mr. Chairman and members of the Committee, it's a pleasure to be here today and to appear as a proponent of Senate Bill 520, a mandatory seat belt use law.

For clarity's sake, I would like to provide you with some background information on how states got to where they are on this issue.

In July, 1984, U.S. DOT Secretary Elizabeth Dole issued a rule-making dealing with automatic automobile occupant protection. The rule mandates vehicle manufacturers to provide for automatic occupant protection in all vehicles by the 1990 model year unless two-thirds of the nation's population are covered by state mandatory seat belt use laws. A great deal of legislative and interest group discussions have taken place since Secretary Dole issued this rule.

The Secretary's rule ordered a phase-in of automatic protection so that all new 1990 models would be covered. The specific timetable is that ten percent of the 1987 models (between September 1, 1986 and August 30, 1987) must comply with the standard; twenty-five percent of the 1988 models, forty percent of the 1989 models, and one hundred percent of the 1990 models must be covered. Manufacturers would get credit of 1.5 cars for every single car complying with the standard on the driver's side by means other than an automatic belt and having an automatic restraint of any kind on the passenger side.

The rule provides the alternative of coverage of two-thirds of the nation's population by the state mandatory seat belt use laws by 1989. The laws passed by the states must meet certain criteria in order for the population of that state to count towards the two-thirds option.

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These are:

1. Require each front seat occupant to have safety belt fastened.
2. No waiver of use except for medical reasons.
3. Minimum twenty-five dollar penalty for failure to use a seat belt in vehicles equipped with such devices. Court costs can be included in the twenty-five dollar penalty. (Applies to front seat occupants.)
4. Failure to wear seat belts admissible in mitigation of accident damages.
5. A program to educate the public on benefits of the law.
6. A reporting program which requires the state to submit an evaluation of the law's effectiveness.

State laws that meet these criteria are referred to as "conforming" laws.

The question of whether legislation is conforming or nonconforming is somewhat in flux. Though 17 states and the District of Columbia have passed mandatory seat belt laws, only three appear to be conforming and Secretary Dole has yet to rule on whether or not the laws are or are not conforming. Senate Bill 520 would not technically be considered a conforming piece of legislation because the requirement that failure to wear seat belts will be admissible in mitigation of accident damages is omitted. However, I would repeat that it is not yet clear how Secretary Dole will rule on this question.

LEGISLATIVE ACTION AND OPTIONS

Legislation has been introduced in 42 states to date. As previously noted, seventeen states and the District of Columbia have enacted seat belt use laws. In each, only vehicles equipped with seat belts are covered, and because all states now have laws requiring small children to be restrained, the belt use laws generally refer only to adults and older children. Attached is a list of states with belt use laws in effect. The list covers the laws' penalties and enforcement provisions (if stated), and indicates whether they appear to conform with the six criteria set by the Secretary of Transportation. Only three laws to-date conform to all six criteria.

SAFETY EFFECTS

As I stated earlier in my testimony, I am happy to appear today as a proponent of this bill. There is no question but that the use of seat belts saves lives. At the Department of Transportation we feel strongly enough about seat belt use that we require our employees to wear seat belts when they are traveling in vehicles on behalf of the State.

Our safety people estimate that between 65,000 and 70,000 motor vehicle accidents occur in Kansas yearly involving approximately 183,000 persons. A breakdown of these accidents shows that 450 to 550 are fatalities, 28,000 to 33,000 are personal injury and the remainder are property damage, only, accidents.

A National Highway Traffic Safety Administration Project Demonstration Handbook assesses the societal cost associated to a traffic accident based upon the severity of the injuries. By using their figures, the societal cost of traffic accidents to Kansans, based on 1984 motor vehicle accidents, amounted to slightly over one billion dollars. This is an exorbitant cost to the public. It deserves attention and action to reduce this tremendous waste of both human life and resources.

The use of occupant restraints could significantly reduce the number of fatalities and injuries associated with passenger car and light truck accidents and reduce the societal costs of those injuries.

The impact of seat belt usage is an approximate reduction of fatalities and serious injuries by fifty percent if 100% of the driving public wore seat belts. During 1985, there were 396 fatalities from passenger car accidents in Kansas and an estimated 4,614 serious injuries (1985 accident data not complete at this time).

To give the committee some sense of the impact of seat belt usage, the attachment shows the impact of a voluntary program, mandatory seat belt use law and automative restraints plus seat belts. Each figure assumes that the strategy was in place throughout 1985, that enforcement was adequate, and in the case of the third option, that all cars had automative restraints.

Mr. Chairman and members of the Committee, as you can see from the chart, if only 30% of all Kansans complied with Senate Bill 520, 40 lives would be saved and 461 serious injuries would be avoided. At a figure of 70% usage, the savings are dramatic, 118 lives and 1,384 serious injuries.

We believe that Senate Bill 520 is a very worthwhile piece of legislation and urge your favorable consideration.

Attachments

SEAT BELT USE LAWS

<u>STATE</u>	<u>EFFECTIVE</u>	<u>PROVISIONS</u>
California	1-1-86	Maximum \$20 fine, first offense, maximum \$50 for second; secondary enforcement. Nonconforming language.
Connecticut	1-1-86	\$15 fine. Nonconforming language.
District of Columbia	12-12-85	\$15 initial penalty, subsequent penalty to be set by mayor; secondary enforcement. Nonconforming language.
Hawaii	12-16-85	\$15 fine; primary enforcement. Nonconforming language.
Illinois	7-1-85	Maximum \$25 fine; no minimum; secondary enforcement. Nonconforming language.
Indiana	7-1-87	Maximum \$25 fine, no minimum; secondary enforcement. Nonconforming language.
Louisiana	7-1-86	\$25 fine; secondary enforcement. Nonconforming language.
Massachusetts	1-1-86	\$15 fine; secondary enforcement. Nonconforming language.
Michigan	7-1-85	Initial \$10 fine, rises to \$25 after 1-1-86; secondary enforcement. Conforming language.
Missouri	9-18-85	Maximum \$10 fine; secondary enforcement. Nonconforming language.
Nebraska	9-6-85	\$25 fine, secondary enforcement. Conforming language.
Nevada	7-1-86	Maximum \$25 fine or community service plus a \$10 assessment; secondary enforcement. Law contingent upon federal adoption of 70 MPH speed limit. Nonconforming language.
New Jersey	3-1-85	\$20 fine; secondary enforcement. Nonconforming language.

New Mexico	1-1-86	Minimum \$25 fine, maximum \$50; primary enforcement permitted. Conforming language.
New York	12-1-84	Maximum \$50 fine; primary enforcement permitted. Nonconforming language grandfathered by U.S. DOT.
North Carolina	10-1-85	After 12-31-86, \$25 fine; primary enforcement permitted. Nonconforming language.
Oklahoma	2-1-87	\$10 fine, plus \$15 administrative costs; secondary enforcement. Nonconforming language.
Texas	9-1-85	Minimum \$25, maximum \$50 fine after 12-1-85. Nonconforming language.

SEAT BELT USAGE ¹

Options	Net Gain	Fatalities Reduced	Serious Injuries Reduced
Voluntary program w/increased emphasis, education, public information	1%	4	6
Mandatory Seat Belt Use Law:			
30% use	10%	40	461
40% use	15%	59	692
50% use	20%	79	923
60% use	25%	99	1154
70% use	30%	118	1384
Automotive Restraints Plus Belts	45%	178	2076

1/ Based on estimated 1985 accident data.

SENATE TRANSPORTATION COMMITTEE

254 East: February 12, 1986

Mr. Chairman, members of the committee, I am Rosemary O'Neil, with the Kansas Head Injury Association. Most of you have seen me as I have been around the legislature for ten years now. I was working with Fred Allen with the Kansas Association of Counties, and it was my intention to take the position of Executive Secretary when he took his retirement.

In August, 1982 my husband and I were in a one car accident, I was thrown from the car and as a result, I received a head injury that I will have to live with the rest of my life. I had other injuries but they have healed and the scars that I have are not visible. The only scar from the head injury is the patch of white hair.

What it all comes down to is, I am asking you to help others like me who aren't really smart but are law abiding.

PLEASE, MAKE IT A LAW TO WEAR SEAT BELTS!

I know it will not stop deaths completely. This past year my nephew was in a one car accident and died as a result of it. The force of his crash was so great that the safety belt that he was wearing was pulled from the floor boards, so I know that it won't stop accidents or save everyone. I do feel that if I had had my belt on I would not have had a head injury.

Thank you for your time, if you have questions for me, I will try to answer them.

THANK YOU!

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TESTIMONY BEFORE THE SENATE TRANSPORTATION & UTILITIES COMMITTEE

by Nancy Bauder, President, Kansas Women for Highway Safety

for the

Kansas Coalition for Drug-Free Driving

I am here to testify on behalf of the Kansas Coalition for Drug-Free Driving. This Coalition is made up of all the anti-drunk and drugged driving activist groups in Kansas. Members include Mothers Against Drunk Driving, Remove Intoxicated Drivers, Kansas Women for Highway Safety, the Kansas ASAP Association, and the Kansas PTA. These groups represent 8,600 Kansans.

Forty to fifty percent of all accident fatalities are alcohol-related. Last year in Kansas approximately 240 persons died in alcohol-related accidents. 50% of these people could have been saved by safety belt use.

Therefore, the Kansas Coalition for Drug-Free Driving supports the mandatory seat belt bill because a seat belt is the best defense against a drunk driver. This would be such a small requirement and would yield such a positive benefit for the people of Kansas.

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SUMMARY OF TESTIMONY

Before the Senate Committee on Transportation and Utilities

SENATE BILL 520

Presented by the Kansas Highway Patrol
(Colonel Bert Cantwell)

February 12, 1986

Appeared in Support

We appear in support of Senate Bill 520.

This support is based on our long experience in the area of accident investigation and the countless studies that have been conducted in this regard.

We consider the facts speak for themselves.

Indicative of this is that as of 1-1-86, 16 states and the District of Columbia have passed seat belt legislation and it is predicted 50% of the states will be included by the end of this year.

In our estimation the basic consideration is that experts in the field state that between 25 and 50 percent of all highway deaths could be avoided through the use of restraint systems. This alone states our concern.

Non-use of restraints is a national problem and the reason we are seeing such a widespread educational effort.

For example, the General Motors offer of a \$10,000 accidental death benefit for persons wearing the restraint system installed in certain GM products.

The plan, in affect since 1984 has resulted in the payment of only 214 claims. While this might sound prohibitive consider:

General Motors estimates the covered vehicles have traveled 93 billion miles in this time period, while 3.0 deaths per 100 million miles traveled has been an acceptable or predictable standard for years.

The General Motors experience has been 1/12 of the national standard!

We are most aware that many persons continue to be concerned about having restraint systems in place in the event of a collision and possibly being "trapped" in the vehicle.

One common fear is fire following the collision. The truth is fire occurs in only one half of one percent of all collisions.

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Another fear is that they may be safer by being ejected. It can be definitely stated the human body is no match for the interior of the vehicle, let alone the pavement or other surface they might encounter on ejection. Consider the force of a 40 MPH collision is comparable to driving the vehicle off a one story building to say nothing of collisions at higher speeds.

The concern has reached international levels.

Great Britain passed a seat belt law in January of 1983. In the interim, it is estimated to have saved at least 500 lives and reduced serious injuries by 20-25 percent.

The member of parliament who introduced the measure was quoted as stating, "Why not give it a try. If it is valuable it will prove itself."

We agree and urge favorable consideration of this bill.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON S.B. 520

PRESENTED TO Committee on Transportation and Utilities, 1986.

This is the official position taken by the Kansas Department of Health and Environment on S.B. 520.

BACKGROUND INFORMATION:

Safety belts cut the number of serious injuries received in a motor vehicle accident by 50%. Seat belts cut the number of fatalities by 60 to 70%. Three out of four crashes, causing death, occur within 25 miles of home. Car accidents are the leading cause of death for those under the age of 44.

Traffic crashes account for an estimated 180,000 cases of brain injury, according to a study sponsored by the Insurance Institute for Highway Safety.¹ In the study motor vehicle crashes were the leading cause of brain damage and accounted for 44% of the brain injuries from all causes combined. They also found that, per population by age and sex, males-especially males 15 to 25 years of age - experienced far more brain injuries from motor vehicle crashes than females, accounting for almost 70% of the total. There are an estimated 410,000 new cases of brain injury from all causes in the U.S. annually. Prior work, also conducted by the Institute counted the number of spinal cord injuries occurring in 18 Northern California counties in 1970 and 1971 and led to the estimate that more than 5,000 cases of spinal cord injuries are being produced by motor vehicle crashes in the United States annually.

In 1971, Australia became the first jurisdiction in the world to mandate the use of seat belts. Since then, more than 30 countries and provinces have done the same. In the United States as of November, 1985, 16 states and the District of Columbia have enacted mandatory safety belt legislation. The Highway Users Federation expects 28 states to consider this regulation in 1986. They claim the chances are good that laws will be adopted in Arizona, Minnesota, Pennsylvania, Utah, Virginia, Wisconsin, Arkansas and Rhode Island according to the New York Times, January 18, 1986 article. Kansas was not included.

The National Highway Traffic Safety Administration estimates safety belts are 50-65% effective in preventing deaths and injuries. Nationwide an estimated 14,000 to 18,000 lives could be saved each year by seat belt use. Child safety restraints are said to be 80-90% effective in preventing death and injury. However, these are estimates.

According to the Highway Safety plan for FY 86, in 1984, 322 fatalities occurred in Kansas. Seat belt effectiveness in fatality prevention would have been 76% if all drivers had used belts when available. Utilizing this measure 245 deaths could have been prevented.

In Canada in the mid and late 1970's, although public awareness and incentive programs had been implemented to promote seat belt use,^{2,3} many areas decided to mandate seat belt use. In general, frequency of seat belt use was around

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20% prior to legislation, but with the passage of legislation, usage increased to around 70%. In addition, the impact of legislation on total accident casualties was a reduction in both injuries and fatalities. During the year following the introduction of the Ontario law, total vehicle fatalities were down 16%, injuries down 14% and the cost of treatment for hospitalized victims fell 11%. However, there is a wide variance in the content, enforcement, and differential impact of seat belt laws in different countries.

Since the Illinois enactment July 1, 1985, state officials announced a 26.9% reduction in fatalities from the previous 5 year August figures. The first statistics tracking the impact of Illinois seat belt law are comparable to the reported deaths in other states with seat belt laws.

One trend repeatedly observed with respect to seat belt usage level is a base usage rate of around 20%, increasing to about 50% with the introduction of legislation, rising to 45-80% when the law goes into effect, and dropping back to 50-60% a year later.^{4,5,6,7} With respect to infant restraints, an increase in usage has been observed as legislation is introduced, debated, and put into effect, but then compliance drops off. Observations of nearly 12,000 children in seven states revealed that a little less than 50% of the infants (0 to 1 year) observed were riding properly restrained, approximately 45% of 1 to 2 year olds, approximately 20% of 2 to 3 year olds, and even fewer 4 and 5 year olds.⁸

Canada's experience and studies by a number of researchers (e.g., F. Scott Geller) clearly indicate that seat belt compliance behaviors are both predictable and modifiable, given the proper conditions. The elements of valid and believable danger, coupled with ongoing support, feedback to vehicle occupants, and deterrence for noncompliance, are necessary to achieve even minimal behavior changes.

U.S. DOT will require cars sold in the future to be equipped with air bags or seat belts that close automatically if two-thirds of the nation's population is not covered by seat belt laws meeting six criteria by April 1, 1989.⁹ These guidelines are:

1. Laws that require passengers in the front seat to wear seat belts while vehicle is in motion.
2. Exemptions only for medical reasons.
3. \$25.00 fine for violation.
4. Reduced damages in accident cases for people not wearing seat belts.
5. Establishment of educational programs on the use of seat belts and an evaluation program by the state.
6. Laws must take effect by April, 1989.

STRENGTHS:

Requires 5 of the 6 criteria be included in the regulation.

1. Requires use of properly fastened safety belt while the vehicle is in motion. This would mandate usage on any roadway in the state.
2. Kansas Department of Transportation would initiate an educational program. Other interested agencies such as K-State Extension and Kansas Department of Health and Environment endorsing this measure could cooperatively enhance the statewide information network.
3. Mandates evaluation of the effectiveness of this act by Kansas Department of Transportation proving this regulation can work in Kansas as it has in other states with this law.
4. A \$25.00 fine has been specified for violators.
5. Would meet the April, 1989 effective date.

WEAKNESSES:

These exclusions limit this bill's effectiveness.

1. The bill is applicable only to front seat occupants of a passenger car. This leaves all other occupants unprotected, whether backseat or riding in other areas of a car (i.e., rear of station wagon).
2. Vehicles constructed whether on a truck chassis or with special features for occasional off-road operation could include campers, pickup trucks, four-wheel drive vehicles, and recreational vehicles, among others. All these vehicles are exempt.
3. Handicap equipped vehicles are not included leaving these occupants unprotected.
4. Does not create insurance rate reductions for persons who constantly wear seat belts.
5. Does not fulfill the 6th requirement for reduced damages in accident cases, however none of the other sixteen states with M.U.L.'s passed legislation including this point.

DEPARTMENT'S POSITION:

The position of the Kansas Department of Health and Environment, from a health and safety perspective, is that all vehicle occupants be properly restrained, whether that means a seat belt and/or an infant/child restraint system, therefore KDHE recommends passage of S.B. 520.

Presented by: Lorne A. Phillips, Director
Bureau of Community Health
Kansas Department of Health
and Environment

RESOURCES

1. Reprints of the work on brain injury may be obtained by writing Dr. Jess Kraus, Professor of Epidemiology, School of Public Health, UCLA, Los Angeles, California 90024 or Brain Injuries, Insurance Institute for Highway Safety, Watergate 600, Washington, D.C. 20037.
2. Rochon, J. An Evaluation of the Seat Belt Education Campaign TP 977. Road Safety Branch, Transport Canada, 1977.
3. Robertson, L.S. "Automobile seat belt use in selected countries, states and provinces with and without laws requiring belt use." Accident Analysis and Prevention, 1978, 10, 5-10.
4. Jonah, Brian, Lavson, John "The Effectiveness of the Canadian Mandatory Seat Belt Use Laws" Accident Analysis and Prevention, 16, 5 1984 in press.
5. Pierce, J.A. "Safety benefits of the seat belt legislation and speed limit reduction in Ontario." Proceedings of American Association for Automotive Medicine, 1979.
6. Monitoring System committee, Changes in the Number and Cost of Motor Vehicle Injury Victims in Ontario Following the Introduction of Seat Belt Legislation and Highway Speed Reductions, 1975-1976.
7. Bergan, A.T., Watson, L.G., Rivelt, D.E., and Shiels, A.C. "The effect of injury and fatality rates due to seat belt use in Saskatchewan." Proceedings of American Association for Automotive Medicine, 1979.
8. Seekins, Tom, Nawcett, Stepehn B., Cohen, Stanley H., Elder, John P., Jason, Leonard A., Schnelle, John F., and Winett, Richard A. "The Effects of Child Passenger Safety Legislation in Seven States" reported to American Psychological Association, Toronto, Canada, August 1984.
9. Highway Users Federation and the Automotive Safety Foundation, How Thousands of Lives Can Be Saved, October, 1985.

STATEMENT
BEFORE THE SENATE COMMITTEE ON TRANSPORTATION
AND UTILITIES BY THE KANSAS MOTOR CAR DEALERS ASSOCIATION

Wednesday, February 12, 1986

Re: Senate Bill No. 520

Mr. Chairman and members of the Committee, I am Pat Barnes, legislative counsel for the Kansas Motor Car Dealers Association. Our State Trade Association represents 392 franchise new car and truck dealers in Kansas, and we support the enactment of a mandatory seat belt use law in this State.

Some of you may be well aware that the United States Department of Transportation has mandated that 2/3 of the population of the U.S. must be covered by mandatory seat belt use laws by 1987. Otherwise, passive restraint requirements will be imposed upon new car manufacturers. Before proceeding on, we would first like to point out what passive restraint is.

Passive restraints are not only "air bags", but the common conception of a passive restraint is an air bag and, in fact, that is the most common type of passive restraint. Passive restraints can also be automatic seat belts which some manufacturers have experimented with. For example, Volkswagen has a motorized belt and shoulder harness apparatus that automatically comes into place when a person enters the front seat of the vehicle and the door is shut. Passive restraints go past that to

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the point of GM's current development of what they call a "Friendly Interior", which is basically a soft interior which is very shock absorbent and does not stand fast when it is impacted by a moving object such as a human body.

Passive restraints are expensive and this expense will be passed on to the ultimate consumer of a vehicle. The existing manual seat belts are a fraction of the passive restraint cost. Manual belts are already in place and have been since 1964, when the first Federal seat belt requirements went into effect. Since 1964, the addition of the required shoulder harness has brought us to where we are today.

Manufacturer estimates of passive restraint costs are high. In 1985, GM estimated the cost of installation of air bags to be approximately \$1,100 per vehicle. Ford estimated their air bags for the driver and front seat passenger would be over \$825. Chrysler estimated them to be somewhere between \$600 and \$800. The passive belt or the motorized belt system, to which I earlier referred, would cost \$70 to \$100 in GM cars; \$150 in Ford automobiles; and \$350 in Toyota automobiles. The motorized belts or the passive belt systems seem only to be a good option in the smaller compact vehicles while in larger vehicles air bags would

probably be installed in lieu of the passive belt system.

Mercedes offers a driver-only air bag and front passenger belt retractor as an \$880 option. None of these systems are inexpensive. Additionally, replacement costs of an air bag are estimated by manufacturers at two to three times the original cost.

Next, what happens when an air bag goes off? First, air bags are the most common type of passive restraint. Second, they will go off with a frontal impact of approximately 12 miles an hour or greater. There is always the possibility the air bag will deploy when there is not a frontal impact of 12 miles per hour or greater and it could deploy with an impact at a slower speed or simply without warning. The system would be electrical and any flaw in the electrical system, of course, could create a short causing the bag to dispense. Third, no one would know of a defective system, since there is no way to really test the future functioning of an air bag system. You can imagine what the multiplier effect would be if a bag deployed and caused an accident involving a second or third vehicle.

Our next concern dealing with the air bag passive restraint is the liability which a repair shop could have if they had to work on a vehicle equipped with air bags or replace an air

bag system in a vehicle. This would not only be franchised dealers, but would possibly include service stations and any other type of repair facility. We feel that a severe liability exposure would be put upon these repair facilities which could raise insurance rates to the dealers and to the repair facilities which in turn could raise their cost of doing business. All of this would be reflected in higher repair bills for all types of vehicles.

Since there is no way to test the future functioning of the system, the customer will hold the person who installed the bag that went off inadvertently liable for his injuries. Converse to that is the consumer who, after having the bag refitted, is involved in an accident and the bag does not go off. We don't feel that liability should be placed on dealers or repair facilities and they should not be subjected to that possible liability. The only way they can protect themselves from that possible liability is to carry higher insurance or refuse to work on that type of vehicle, both of which, in the long run, could increase the cost of doing business for a repair facility.

Considering the high initial cost of the air bag itself and the liability to which the automobile insurance companies

would be exposed by having to pay for the replacement of the systems, it would seem apparent that higher insurance premiums for autos would be in the offing.

Finally, it will take some 13 years to get virtually every vehicle on the road covered by some type of passive restraint system if the passive restraint mandate is allowed to go into law. Seat belts and other shoulder harness systems for front seat occupants and seat belt systems for rear seat occupants are already in virtually every car in the country today with the exception being those that are older than 1964 and exempt vehicles. Why wait 13 years to afford protection to the citizens of Kansas and of the United States when it is available today through a mandatory seat belt use law?

Air bags or passive restraints alone are not the answer. Air bags are effective under certain conditions, frontal crashes, and they do assist in saving lives and preventing injuries, but they are much more effective when the lap and shoulder belt systems are used. The system currently in almost every vehicle on the road today provides a tremendous amount of protection when properly used. We ask that you encourage the use of current safety systems in autos by passing this legislation into law.

Thank you.

Kansas Congress of Parents and Teachers

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

Mr. Chairman and Members of the Committee:

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

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

The Kansas PTA passed its first Resolution supporting the use of seat belts and seat-belt-use legislation at our 1982 State Convention and we have continued to support that Resolution as a priority action each year since.

We have disseminated information promoting seat belt use by sending out pamphlets, holding parenting workshops, handing out lifesavers to students, conducting programs with the "seat belt convincer", showing films and by imploring Kansas Legislators to pass a seat-belt-use law in our state.

The National PTA, representing 5.6 million members, at the 1983 convention, passed a similar Resolution, so nationwide we have been trying to achieve this goal. We were delighted when New Jersey succeeded. I smiled when I drove through Iowa and Ohio last year and saw these signs: "This State Has A Seat Belt Law--Buckle Up". When Missouri legislated mandatory seat-belt-use we were elated, it was getting closer to home!

Next month at the National Conference in Washington, D.C., that will be one of the first questions other Legislative Chairmen will ask me. Has Kansas passed seat-belt-use legislation? I'm hoping I will be able to say an emphatic "YES".

Of course it's a priority issue. Motor vehicle accidents are the number ONE killer andcrippler of children. You know the statistics, we've shared them with you every year and you've heard them again today. What we can't understand is the acceptance of this carnage on our highways when we could do something positive to prevent about 90% of it.

We shudder at the thought of war and natural disasters, and yet, the killing of 300 to 500 people in highway accidents in one weekend doesn't even make headlines in our newspapers.

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Kansas Congress of Parents and Teachers

We understand about personal freedom. Believe me, nothing is more important to us than freedom. That is why it is so important for our youth to have the freedom to grow up healthy and unmaimed. To be free from the burden of paying the rising cost of high car and medical insurance premiums that result. To be free of the social responsibility of caring for the injured, providing rehabilitation, and the support of the dependents of people injured and killed by car accidents. Freedom entails some responsibility on our part and that should include protecting ourselves as best we can at all times, so that we may not be a burden to our loved ones and society.

I know that the citizens of Kansas are as concerned for the safety of motorists on Kansas roads as the citizens in any other state.

Let's show those traveling Kansas roads our concern by passing seat-belt-use legislation in Kansas this year.

Thank you for allowing us to speak to you on behalf of PTA members in this state.



For Further Information Contact:

TERRIROSSELOT, R.N.
Executive Director
(913) 233-8638

February 12, 1986

SB 520 MANDATORY SEAT BELT LAW

Mr. Chairman, members of the Transportation and Utilities committee, my name is Terri Rosselot and I am a registered nurse and represent the Kansas State Nurses' Association. KSNA supports SB 520 making seat belt use mandatory safety requirement for front seat occupants in passenger cars. As both health care providers and health care consumers we are acquainted with the increasing costs of health care today. Statistics indicate that seat belt use can and does reduce the severity and numbers of occurrences of injuries as a result of collisions.

Hospitalization and medical costs will be significantly lower for those wearing seat belts in an automobile collision. This impacts not only on the individuals but cumulatively on society as a whole. Economic considerations include both direct and indirect costs. Direct costs include hospitalization, rehabilitation and all other health costs incurred by the injured person. Indirect costs include loss of wages due to inability to work during recovery or even total disability due to injuries. This, in turn, results in loss of family income and possible long term income needed from government support programs such as Medicaid and Social Securities programs which are already overextended. Employers may incur expenses under workers compensation, costs of rescheduling and temporary replacements.

Opponents of mandatory seat belt laws feel very strongly that it is their constitutional right to drive or ride in an automobile with or without their seat belt fastened. They believe that if they are injured or killed it is their responsibility and that any government interference unfairly impacts on their freedom of choice. There are several arguments that refute the freedom of choice claim in the case of seat

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belt use. The license to drive a vehicle in Kansas is not a right but a privilege after the requirements are fulfilled to receive a drivers license. The state has the power to and does regulate the use of public roads and highways and the operation of vehicles.

The Kansas Department of Transportation compiled statistics on seat belt usage and the extent of personal injuries from vehicle accidents during the years 1981-1983 in Kansas. The reported number of motor vehicle accident occupants totaled 376,074 persons. While 38,500 occupants were wearing seat belts, the vast majority numbering 337,574 were not. The value of seat belt use is easily demonstrated by examining the fatality statistics. .09% or 36 occupants of the 38,500 belted occupants were killed as opposed to almost three (3) times the percentage of fatalities for unbelted occupants .23% or 778 occupants of 337,574. Other states such as Missouri have passed seat belt use laws in an attempt to lessen injuries and fatalities and in an attempt to comply with Secretary Doles plan for nationwide mandatory seat belt laws by 1989. Many other countries have legislation on this area and statistics show a substantial increase in seat belt usage and declines in fatalities and injuries in automobile accidents. In 1972, compulsory seat belt use went into effect in Australia. During the first two years there was a 300% reduction in eye injuries, 51% reduction in drivers admitted to hospitals. The usage rate increased from less than 30% to approximately 80%. Even if Kansas doesn't reach these impressive usage levels, it is clearly shown that any increase in usage brings about fewer injuries and a lessening in severity of injuries received.

Because seat belts are already in place in most automobiles, the requirement that they be fastened requires no additional cost to the consumer in terms of installation of new equipment. The only cost appears to be the cost of enforcement which is

small in contrast to the numbers of lives that can be saved.

As advocates of public health and welfare we feel that it is of utmost importance to the citizenry of Kansas that SB 520 be passed so that our roads and highways will be safer for all.

The earliest expression of concern regarding the role of vehicle restraint systems in highway safety was the statement of Earl of Andrews:

"Quoth what fool darest upon the highways of this realm without properly strapping his ass to his cart."

address before His Majesty's Order of Scribes, Hamfin on Tyrne Clarkshire, England, October 4, 1683, reported in F. Accad., The Barrister,s Tome xvi (1814).



PUBLIC POLICY STATEMENT

Statement To:

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

RE: Mandatory Seat Belt Usage . . . S.B. 520

Topeka, Kansas
February 12, 1986

Presented by:
Paul E. Fleener, Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Paul E. Fleener. I am the Director of Public Affairs for Kansas Farm Bureau. We are here today as PROPONENTS of S.B. 520, the proposal regarding seat belt use in passenger cars.

The farmers and ranchers in Kansas who are members of Farm Bureau adopted a resolution at the 1984 Annual Meeting of Kansas Farm Bureau supporting a seat belt use law for Kansas. They supported enactment of such a law because they believe it will improve safety on the highways. That resolution, or policy position was reaffirmed at our most recent annual meeting - November 24-26, 1985. That resolution is as follows:

Automobile Safety

We deplore the blackmail tactics of the federal government to bring about seat belt use laws. We should have a seat belt use law in Kansas, not because the federal government requires it, and not because our highway funds and user taxes are held hostage, but because the use of seat belts saves lives.

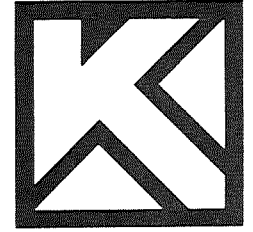
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It is our understanding, Mr. Chairman, that S.B. 520 does not require the use of seat belts in pickup trucks when a farmer may be using such a vehicle on his or her own property. We think that is proper.

We urge your favorable consideration of and support for S.B. 520.

Thank you for the opportunity to make this brief statement. We would respond to questions if there are any.

LEGISLATIVE TESTIMONY



Kansas Chamber of Commerce and Industry

500 First National Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321

A consolidation of the
Kansas State Chamber
of Commerce,
Associated Industries
of Kansas,
Kansas Retail Council

SB 520

February 12, 1986

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the Senate Transportation Committee

Mr. Chairman, members of the committee. My name is Jim Edwards and I am Director of Public Affairs for the Kansas Chamber of Commerce and Industry. I appreciate the opportunity to appear before you today in support of SB 520, a bill which would require seat belts to be worn by all front seat passengers in a passenger vehicle.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

While the business community does not usually lead a charge for increased regulation, it realizes that today in the U.S., citizens and businesses alike are paying, in both time and dollars, increased costs due to motor vehicle accidents. In fact, during 1983, U.S. business:

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1. found that 34% of all on-the-job accidents were caused by motor vehicles;
2. saw over 10 million workdays lost on the account of motor vehicle accidents; and,
3. spent nearly \$10 billion as a direct result of motor vehicle accidents.

In most cases, all of these figures could be drastically reduced by simply having the front seat passengers and driver wear their seat belts. In fact, this is obvious enough that most firms with company autos have adopted seat belt policies.

Realizing though that accidents do not only happen to business autos, organizations like ours, representing business and industry, are taking strong stands to urge the passage of mandatory seat belt legislation. When such legislation is passed, it is estimated that persons involved in motor vehicle accidents will be five times less likely to die, three times less likely to be injured, and should see medical care costs reduced four times.

We urge you to support this legislation and reinforce the use of something which is already in place and has been paid for...the auto seat belt.

Thank you for the opportunity to appear before you today.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting Senate Bill No. 520
requiring the use of seat belts.

Submitted to the Senate Transportation & Utilities
Committee, Sen. Bill Morris, Chairman; Statehouse,
Topeka, Wednesday, February 12, 1986.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I am submitting this testimony on behalf of the members of our Association and the highway transportation industry. We support Senate Bill 520 which would require the use of seat belts.

The Kansas Motor Carriers Association adopted a resolution in support of a Kansas seat belt use law at its annual membership meeting held during our convention September 28, 1984. This Association continues to believe that the citizens of the State of Kansas will realize a significant reduction in injuries, deaths and economic losses if the 1986 Legislature adopts Senate Bill No. 520.

The federal Department of Transportation motor carrier safety rules (sections 392.16 and 393.93) require the driver to use a seat belt if the vehicle is equipped with a seat belt assembly. All trucks and truck tractors manufactured on and after January 1, 1965, are required to be equipped with seat belt assemblies. The Kansas Corporation Commission also has adopted this safety regulation.

If you have young people in your family who now are beginning to drive a car, adoption of this legislation, we believe, will afford a discipline to those young drivers that well might save their life and the lives of those riding in the vehicle they operate.

We would request favorable consideration of Senate Bill No. 520.

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