

Approved April 15, 1988
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at
Chairperson

1:30 ~~xxx~~/p.m. on February 11, 1988 in room 519-S of the Capitol.

All members were present except: Representatives Laird and Gross

Committee staff present:

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

Conferees appearing before the committee:

Representative Jeff Freeman
Ms. Bev Bradley, Kansas Association of Counties
Mr. Ed DeSoignie, Kansas Department of Transportation
Representative Jessie Branson
Dr. Arthur Dick, University of Kansas Medical Center
Ms. Nancy Bauder, Kansans for Highway Safety
Lt. Bill Jacobs, Kansas Highway Patrol
Mr. Cliff Heckathorn, Kansas Head Injury Association
Ms. Ruth N. Meserve, Kansas Coalition for Drug-Free Driving
Ms. Carolyn Middendorf, Kansas State Nurses Association

The meeting was called to order by Chairman Crowell, and the first order of business was a hearing on HB-2706, concerning the repair or reconstruction of certain bridges of a certain age.

Representative Jeff Freeman, sponsor of the bill, briefed the committee on its contents. (See Attachment 1)

Representative Freeman said under current law, repairs may be made immediately if the bridge costs are under \$250,000 and the bridges are over 30 years old. He explained that HB-2706 simply cuts that time period down to 15 years for replacement without an election.

Ms. Bev Bradley, Kansas Association of Counties, spoke in favor of HB-2706. (See Attachment 2) She stated she was not certain why there should be any age restriction at all and that the governing board should have the discretion to repair or reconstruct essential bridges at whatever age.

Mr. Ed DeSoignie, Kansas Department of Transportation, gave favorable testimony concerning HB-2706.

The hearing on HB-2706 ended.

The next order of business was a hearing on HB-2716, concerning child passenger safety.

Representative Jessie Branson, spoke in support of HB-2716. (See Attachment 3)

She said the Child Passenger Safety Act was first enacted in the 1981 Session and was strengthened in the 1984 Session, however, it remains the weakest children's safety restraint law in the nation. She said the primary reason for this is due to the back seat exclusion.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xxx~~ p.m. on February 11, 1988

Representative Branson distributed among Committee members, a letter from Representative Jack Beauchamp, supporting HB-2716. (See Attachment 4)

Representative Branson discussed proposed amendments to HB-2716 and passed among Committee members a balloon showing the changes. (See Attachment 5)

Dr. Arthur Dick, University of Kansas Medical Center, testified in support of HB-2716. He stated it is very important for children to wear safety restraints, as many times seizures develop as a result of receiving head injuries. He said children often receive permanent brain damage after suffering a blow to the head.

Ms. Nancy Bauder, Kansans for Highway Safety, testified in favor of HB-2716. (See Attachment 6)

She said that in 1987, Department of Transportation statistics showed 122 fatalities under the age of 19, and 118 of those were not wearing safety restraints. She said one-fourth of all vehicle-related fatalities are children. Ms. Bauder said the fine should be increased for non-compliance, and all drivers should be responsible for children in their vehicles, not just parents or guardians.

Lt. Bill Jacobs, Kansas Highway Patrol, testified in support of HB-2716. (See Attachment 7)

Lt Jacobs outlined provisions of the bill, and said if pick-up trucks are included in the bill, then lines 39 through 42 should be amended to define pick-up trucks as a truck with regular registration of 12,000 pounds or less or a farm registration of 16,000 pounds.

He said the Patrol supports the bill as a safety measure for children, and requested that the Committee support HB-2716 or less.

Mr. Cliff Heckathorn, Kansas Head Injury Association, testified in favor of HB-2716.

Ms. Ruth N. Meserve, Kansas Coalition for Drug-Free Driving, gave favorable testimony concerning HB-2716. (See Attachment 8)

Ms. Meserve said she knew of cases where citations for not using safety restraints were issued, but the cases were dismissed by the court.

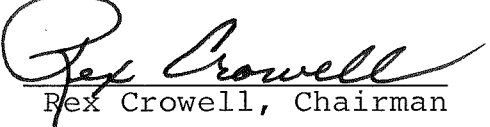
Chairman Crowell requested that Ms. Meserve provide any data she had on such cases.

Ms. Carolyn Middendorf, Kansas State Nurses Association, testified in support of HB-2716. (See Attachment 9)

Mr. Ed DeSoignie, Kansas Department of Transportation, gave testimony in favor of HB-2716. (See Attachment 10)

The hearing on HB-2716 ended.

The meeting was adjourned at 2:45 p.m.


Rex Crowell, Chairman

JEFF FREEMAN
REPRESENTATIVE, SEVENTEENTH DISTRICT
COFFEY AND LYON COUNTIES



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN: ENERGY AND NATURAL
RESOURCES
MEMBER: AGRICULTURE AND SMALL BUSINESS
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
TRANSPORTATION

Testimony on HB 2706

HOUSE TRANSPORTATION COMMITTEE

February 11, 1988

Thank you Mr. Chairman for this opportunity to appear in support of HB 2706.

HB 2706 is not a new subject to this Committee, as you may recall, an amendment identical to HB 2706 was unanimously adopted by this Committee during the special highway session.

This bill was requested by the Lyon County Commissioners and the Lyon County Counselor's office to alleviate many problems concerning the repair of bridges within Lyon County. Under current law, repairs may be made immediately if the bridge costs are under \$250,000 and the bridges are over 30 years old. This bill simply cuts that time period down to 15 years for replacement without an election.

Currently, Lyon County is facing two immediate bridge problems. One on the Olpe-Hartford road and the other on the Americus road going to Allen-at the K-99 Junction.

In conclusion, I would ask for one change to be made in the bill and that is on Line 77 that this act become effective upon its publication in the Kansas Register.

Thank you for the opportunity to appear and I will be happy to answer any questions.

Attach. 1

Kansas Association of Counties

Serving Kansas Counties

212 S.W. Seventh Street, Topeka, Kansas 66603

Phone (913) 233-2271

February 11, 1988

To: Chairman Rex Crowell
Members of House Transportation

From: Bev Bradley, Legislative Coordinator
Kansas Association of Counties

Re: HB-2706

The Kansas Association of Counties sees the legislation before you, HB-2706, as permissive legislation giving the board of commissioners the power to in the words of the bill to "immediately repair and reconstruct" a bridge which shall have been destroyed or rendered impassable by flood, high water, fire or other casualty, or condemned as being unsafe and which bridge or bridges are more than 15 years old instead of 30 years old which surely seems appropriate. I'm not sure why there should be a number at all - The governing board should have the discretion to repair or reconstruct essential bridges at whatever age.

The funding provisions are included and bridges across streams are given priority -

We support HB 2706.

STATE OF KANSAS

JESSIE M. BRANSON
REPRESENTATIVE, FORTY-FOURTH DISTRICT
800 BROADVIEW DRIVE
LAWRENCE, KANSAS 66044-2423
(913) 843-7171



TOPEKA

HOUSE OF
REPRESENTATIVES

February 11, 1988

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: PUBLIC HEALTH AND
WELFARE
VICE CHAIRMAN: COMMISSION ON ACCESS TO SERVICES
FOR THE MEDICALLY INDIGENT AND THE HOMELESS
MEMBER: EDUCATION
TAXATION
STATE ADVISORY COMMISSION ON SPECIAL
EDUCATION

TO: Rex Crowell, Chairman
and Members
House Committee on Transportation

FROM: Representative Jessie Branson *Jessie*

RE: House Bill 2716
Concerning Amendments to the Child Passenger Safety Act

Thank you very much for this opportunity to appear before the Committee.

The Child Passenger Safety Act was first enacted in the 1981 Session and was strengthened in the 1984 Session. However, it remains the weakest children's safety restraint law in the nation for a number of reasons, but primarily because of the back seat exclusion.

HB 2716 has been introduced in this Session partly as a result of the findings of a 1987 Interim Study on "Epilepsy and Related Disorders", and also due to the fact that a number of advocacy groups under the umbrella of Kansans for Highway Safety have requested strengthening the law and making it more enforceable.

Currently the Kansas Child Passenger Safety Act provides the following:

- - Requires that all children under the age of 4 years while riding in the front seat of a passenger car, be protected by proper use of an approved safety restraining system.
- - Parents and legal guardians only are responsible to provide this protection. Baby-sitters, aunts, uncles, grandparents or any one else who may be driving the car is exempt.

- - Cars registered out-of-state are exempt, as are "temporary substitute vehicles".
- - Pick-up trucks are not included.
- - The fine is \$10 plus court costs, which can be waived upon proof of purchase of a child safety device.

House Bill 2716 would provide the following changes:

- 1) Strike the "front seat area" language, thus making the law apply to the back seat as well as the front seat.
- 2) Makes the driver of the vehicle responsible, rather than just the driver who is the parent or legal guardian.
- 3) Raises the age level from 4 years to 14 years.
- 4) Includes pick-up trucks.
- 5) Applies to all passenger cars and pick-up trucks traveling in Kansas, not just those registered in Kansas.
- 6) Breaks out by age the type of safety device to be used -- under age 4 years the child must be in a safety seat, and for age four to 14 years the child must be in a safety belt.
- 7) The fine is raised from \$10 per occurrence to \$25 on the first offense and \$50 on the second and each subsequent offense.

Are there any questions about the bill or the amendments which have been distributed to committee members?

STATE OF KANSAS

JACK E. BEAUCHAMP
REPRESENTATIVE, FOURTEENTH DISTRICT
FRANKLIN COUNTY
ROUTE 3, BOX 61
OTTAWA, KANSAS 66067
(913) 242-3540
STATE CAPITOL, ROOM 174-W
(913) 296-7676



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: AGRICULTURE AND SMALL BUSINESS
INSURANCE
LOCAL GOVERNMENT

February 11, 1988

Chairman Crowell and Members of the House Transportation Committee:

In reading HB 2716 I feel compelled to offer my support to the basic philosophy being expressed in this proposed bill. I sincerely believe seat belts in all automotive vehicles for all ages at all times, as often as possible, is just simply the exercising of good common sense.

I personally contend we will lessen our accident rate as a whole the more frequently we use and make sure our auto passengers use a safety restraining system appropriately approved for the passenger with regards to age of the passenger. Children disciplined to being strapped in are much less distracting to the driver.

Our children are fast becoming more dependable about buckling up than most adults. I am noticing how often little ones are reminding older ones to buckle up. We, as adults, are doing a better job of teaching than we are of setting a good example.

A child under 10, in an auto accident, has greater chance of permanent injuries because of their lighter weight and smaller size. On impact in an accident, the child becomes a flying missile. May I encourage you to pass favorably this bill affording children this much needed protection.

The last thing our son mentioned to my wife and I the evening of November 6 about 9:30 in Kansas City as we were leaving to go home was, "be sure and fasten your seat belts", we did, and an hour later we endured a devastating one-car accident. My wife and I had our first helicopter ride that night, life flight to St. Lukes Hospital, Kansas City. The next day we were both able to be up and hobble about. Use of seat belts or safety restraining devices are without a doubt a necessary requirement for all of us, young and old alike.

Respectfully Submitted,
Representative Jack Beauchamp

Att. 4

HOUSE BILL No. 2716

By Committee on Public Health and Welfare

1-28

A44.5

0017 AN ACT concerning child passenger safety; amending K.S.A.
0018 1987 Supp. 8-1344, 8-1345, 8-1347 and 8-2503 and repealing
0019 the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1987 Supp. 8-1344 is hereby amended to
0022 read as follows: 8-1344. Every parent or legal guardian of a child
0023 under the age of four years who resides in this state, and who is
0024 transporting such child in the front seat area of driver as defined
0025 in K.S.A. 8-1416 and amendments thereto who transports a child
0026 under the age of ~~four~~ years in a passenger car as defined in K.S.A.
0027 8-1445 and amendments thereto or in a pickup truck as defined
0028 in this section on a highway as defined in K.S.A. 8-1424 and
0029 amendments thereto, shall provide for the protection of such
0030 child by properly using ~~a~~ child passenger safety restraining
0031 system of a type approved under this act. ~~This act shall not apply~~
0032 ~~to transportation of children in vehicles registered in another~~
0033 ~~state, nor to transportation in a temporary substitute vehicle.~~ The
0034 secretary of transportation shall adopt rules and regulations for
0035 the performance, design and installation of ~~child passenger~~
0036 safety restraining systems for use in passenger cars for children
0037 under the age of four ~~four~~ years, in accordance with federal motor
0038 vehicle safety standards, and shall approve those systems which
0039 meet such standards. As used in this section, "pickup truck"
0040 means a truck registered for a gross weight of less than 12,000
0041 pounds or a farm truck registered for a gross weight of ~~more~~
0042 ~~than 12,000 pounds and~~ not more than 16,000 pounds.

0043 Sec. 2. K.S.A. 1987 Supp. 8-1345 is hereby amended to read
0044 as follows: 8-1345. (a) It shall be unlawful for any parent or legal
0045 guardian of a child under the age of four years driver to violate

14

: (a) For a child under the age of four years a child passenger

; (b) for a child four years of age but under the age of 14, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208

child passenger

four

0046 the provisions of K.S.A. 8-1344, and amendments thereto, and
0047 upon conviction ~~such driver shall be punishable~~ *punished* by a
0048 fine of ~~\$10 per occurrence~~ *\$25 for the first offense and \$50 for*
0049 *the second and each subsequent offense.*

0050 (b) The fine provided for in subsection (a) and court costs
0051 assessed under K.S.A. 28-172a and amendments thereto shall be
0052 waived if the ~~parent or legal guardian driver charged with~~
0053 ~~violating K.S.A. 8-1344 and amendments thereto~~ *provides proof*
0054 *prior to trial that such parent or legal guardian driver has pur-*
0055 *chased or acquired an approved child safety restraining system.*

0056 (c) No ~~parent or legal guardian driver~~ charged with violating
0057 the provisions of this act shall be convicted if such ~~parent or legal~~
0058 ~~guardian driver~~ produces in the office of the arresting officer or
0059 in court proof that the child is ~~four~~ *was* 10 years of age or older at
0060 *the time the violation was alleged to have occurred.*

0061 Sec. 3. K.S.A. 1987 Supp. 8-1347 is hereby amended to read
0062 as follows: 8-1347. The secretary of transportation shall develop
0063 a program of public education to promote the use of ~~child~~
0064 ~~passenger~~ *safety restraining systems for children.* As part of this
0065 program, the Kansas department of transportation shall make
0066 available to law enforcement officers for dissemination, infor-
0067 mation concerning child passenger safety.

0068 Sec. 4. K.S.A. 1987 Supp. 8-2503 is hereby amended to read
0069 as follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and
0070 8-1345, and amendments thereto, and in subsection (b), each
0071 front seat occupant of a passenger car manufactured with safety
0072 belts in compliance with federal motor vehicle safety standard
0073 no. 208 shall have a safety belt properly fastened about such
0074 person's body at all times when the vehicle is in motion.

0075 (b) This section does not apply to: (1) An occupant of a
0076 passenger car who possesses a written statement from a licensed
0077 physician that such person is unable for medical reasons to wear
0078 a safety belt system; (2) carriers of United States mail while
0079 actually engaged in delivery and collection of mail along their
0080 specified routes; (3) newspaper delivery persons while actually
0081 engaged in delivery of newspapers along their specified routes;
0082 *(4) an occupant of a passenger car required to be protected by a*

subsection (a) of

child passenger

14

child passenger

and safety belts

Testimony to be Delivered to
THE HOUSE TRANSPORTATION COMMITTEE
February 11, 1988

by Nancy Bauder, President
Kansans for Highway Safety

On behalf of Kansans for Highway Safety, I ask that you support HB 2716, which would strengthen the Kansas Child Passenger Safety Act.

Kansans for Highway Safety is made up of various organizations and individual volunteers who work in Kansas to prevent fatalities and serious injuries on Kansas streets and highways. Our course of action of promotion and educational efforts is to encourage citizens to use safety belts, and other safe driving practices, as well as protect our children with the use of safety belts.

Last year in Kansas, Department of Transportation statistics showed 122 fatalities under age 19. 118 of those persons were not belted. Of the age group four and under, there were 8 fatalities (5 not belted), and 818 injuries (one-half not belted). Of the eight children who died in the rear seat of an automobile last year, none were belted. One fourth of all vehicle-related fatalities are children.

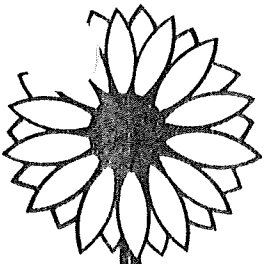
We are not getting the message across that children need to be buckled up in their vehicle. Last year, a University of Michigan study showed that safety belt usage is the lowest among children between the ages of five and fifteen. That is the lowest of all age groups. What kind of message are we giving our children? -that it is safe to sit in the rear seat unbelted? -that after a child becomes four years old it is now ok to not wear a safety belt? -that if you're not from Kansas you don't have to obey our child restraint laws?

Our children should not be exempt from one of the most life and injury-saving laws that this state has ever passed. Our precious child passengers need laws that will include all their age groups, include pick-up trucks and rear seats of automobiles. The fine should be increased to discourage non-compliance, and all drivers should be responsible for children in their vehicles, not just parents or guardians of Kansas citizens.

We greatly appreciate your past efforts in safeguarding our children with the passage of, and previous amendments to the Child Passenger Safety Act. Your concern for the future generation is evident.

Respectfully submitted,
Nancy Bauder

Att. 6



Kansans for Highway Safety

COMPONENTS OF CHILD RESTRAINT LAWS

PROVIDED BY THE NATIONAL SAFETY COUNCIL

SEPTEMBER 1985 *

Child Restraint Law responsibility applies to:

All drivers	29 states
Parent or guardian	22 states
Must be state resident	27 states

Position in vehicle:

Front and back seat	49 states
Front seat only	2 states (Michigan and Kansas)

MAXIMUM Fine for non-compliance, first offense:

No fine	4 states
\$10	8 states (Includes Kansas)
\$15	3 states
\$20	4 states
\$25	20 states
\$30	2 states
\$50	4 states
\$75	1 state
\$100	4 states
\$200	1 state
\$500	1 state (Indiana, waivable)

First offense fine waivable: 39 states

AGE OF CHILD (As reported by the Natl. Highway Traffic Safety Administration, 1988)

0-2 yrs.	1 state
0-3 yrs.	2 states
0-4 yrs.	19 states (includes Kansas)
0-5 yrs.	14 states
0-6 yrs.	6 states
0-9 yrs.	1 state
0-10 yrs.	3 states
0-11 yrs.	1 state
0-12 yrs.	3 states
0-16 yrs.	1 state
Ht. 0-40" tall	1 state

* As 30 states now have Adult Mandatory Usage laws, these laws may now be more stringent.

Information compiled by:
Nancy Bauder, KHS

SUMMARY OF TESTIMONY

Before the House Transportation Committee

House Bill 2716

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

February 11, 1988

Appeared in Support of House Bill 2716

Our agency supports House Bill 2716 since it is a safety measure to protect children who are transported in vehicles over the highways of this state.

The present law only applies to resident parents or legal guardians when transporting children under the age of 4 years in the front seat of their passenger car, (not a substitute vehicle or vehicle registered in another state), on Kansas highways.

House Bill 2716 would amend the child passenger safety act to include children up to age 10. Presently there is no means to take enforcement action when a child between the ages of 4 and 10 is being transported unrestrained in a vehicle. Children between 4 and 10 cannot be held responsible for wearing a safety belt, as required by the safety belt use act, under traffic or juvenile law.

The bill would make child restraints mandatory anywhere within a passenger vehicle or pick-up truck as defined in the bill. If pick-up trucks are to be included, then lines 39 through 42 need to be amended to define pick-up trucks as a truck with regular registration of 12,000 pounds or less or a farm registration of 16,000 pounds or less.

House Bill 2716 would also make the child passenger safety act applicable to all drivers on Kansas highways whether a resident or non-resident passing through the state.

The bill raises the fine for first offenses from \$10 per occurrence to \$25 and second or subsequent offenses to \$50. The threat of a larger fine would definitely be a deterrent to those who are now negligent of the law.

As stated before, we support this bill as a safety measure for children, who most of the time have no choice of their own about riding in vehicles, but are placed there by others. We would ask your favorable support of this bill.

Att. 7

38-1602. DEFINITIONS. (a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a person who does an act while a juvenile which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto or who violates the provisions of K.S.A. 41-715, 41-2721 or subsection (i) of section 10, and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense in violation of chapter 8 of the Kansas Statutes Annotated or any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated;

(3) a person 16 years of age or over who is charged with a felony or with more than one offense of which one or more is a felony after having been adjudicated in two separate prior juvenile proceedings as having committed an act which would constitute a felony if committed by an adult and the adjudications occurred prior to the date of the commission of the new act charged;

(4) a person who has been prosecuted as an adult by reason of subsection (b)(3) and whose prosecution results in conviction of a crime;

(5) a person whose prosecution as an adult is authorized pursuant to K.S.A. 1985 Supp. 38-1636 and amendments thereto; or

(6) a person who has been convicted of aggravated juvenile delinquency as defined by K.S.A. 21-3611 and amendments thereto.

(c) "Parent," when used in relation to a juvenile or a juvenile offender, includes a guardian, conservator and every person who is by law liable to maintain, care for or support the juvenile.

(d) "Law enforcement officer" means any person who by virtue of that person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(e) "Youth residential facility" means any home, foster home or structure which provides twenty-four-hour-a-day care for juveniles and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated.

(f) "Juvenile detention facility" means any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which, if in a city or county jail, must be in quarters separate from adult prisoners.

(g) "State youth center" means a facility operated by the secretary for juvenile offenders.

(h) "Warrant" means a written order by a judge of the court directed to any law enforcement officer commanding the officer to take into custody the juvenile named or described therein.

(i) "Secretary" means the secretary of social and rehabilitation services. (effective 5-28-87)

Kansas Coalition for Drug-Free Driving

P.O. Box 58093

Topeka, KS 66658

913-286-0555

February 11, 1988

To: Transportation

Re: House Bill 2761

The Kansas Coalition for Drug Free Driving is a state wide coalition. Members include Mothers Against Drunk Driving, RID Remove Intoxicated Drivers, Kansas for Highway Safety, Kansas PTA and Kansas ASAP Association.

Our coalition supports House Bill 2716 concerning child passenger safety. Using a child safety restraint system in motor vehicles such as cars and pickups both in front and back seats is our only way of providing safety.

There is no law protecting children from 4 to 9 either under the child restraint law or mandatory seat belt law.

Our children are the future of our country and it is our responsibility to provide their protection and education of child restraints in all vehicles.

We ask your support on House Bill 2716.

Ruth N. Meserve



FOR FURTHER INFORMATION CONTACT:

TERRI ROBERTS, J.D., R.N.
EXECUTIVE DIRECTOR
KANSAS STATE NURSES' ASSOCIATION
820 QUINCY, SUITE 520
TOPEKA, KANSAS 66612
PHONE: (913) 233-8638

H.B. 2716 - CHILD PASSENGER SAFETY ACT

Chairperson Crowell and members of the House Transportation Committee, my name is Carolyn Middendorf, R.N., M.N., and I am presently a nursing instructor at Washburn University School of Nursing. I have been in the field of nursing for fifteen years and am currently the Legislative Chairperson for the Kansas State Nurses' Association.

The Kansas State Nurses' Association supports H.B. 2716. This bill strengthens the current law related to child passenger safety, and as health care providers and consumers, nurses recognize that hospitalization, medical costs and severe injury to children is significantly lower for those using motor vehicle occupant restraint devices in an automobile collision.

<u>Current Law</u>	<u>H.B. 2716 - Proposed</u>
4 years or under front-seat passenger	10 years not distinguished (deletes front-seat requirements)
does not include "pick-ups" only parents/guardians can be ticketed	includes "pick-ups" Drivers transporting children can be ticketed
\$10.00 first offense \$25.00 second offense	\$25.00 first offense \$50.00 second offense

The current law can be strengthened by implementing all of the proposed changes. The Kansas Child Passenger Safety Act is particularly weak in two areas when compared to other states child passenger protection laws.

The first is who the law applies to. Only Kansas and ten other state laws apply to parents and legal guardians. In the remaining forty states and Washington, D.C., the law applies to all drivers. This specific language would provide continuity to the children being transported by Grandparents and others.

The second area is the front seat only requirement. According to the National Highway Traffic Safety Administration (NHTSA), Kansas is the only state that has this requirement in their current law. It is important that infants and children be restrained regardless of seating arrangement in the car.

Attached is a profile of Child Passenger Protection laws distributed by the National Highway Traffic Safety Administration (NHTSA) comparing state laws for your reference.

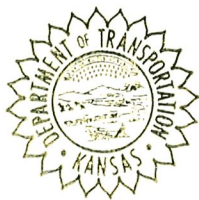
Thank You!

Child Passenger Protection Laws

State	Original Year Enacted	Original Effective Date	Restraint Requirement Age	Safety Seat Required	May Substitute Safety Belt	Safety Belt Required
Alabama	1982	7/82	Under 3	Under 3	No	
Alaska	1984	6/85	Under 6	Under 4	Between 4 & 6	
Arizona ¹ *	1983	8/83	Thru 4 ²	Thru 4 ²	No	
Arkansas	1983	8/83	Under 5	Under 3	Between 3 & 5	
California ¹	1982	1/83	Under 4 ²	Under 4 ²	If not in parent's vehicle	**
Colorado	1983	1/84	Under 4 ²	Under 4 ²	No	**
Connecticut	1982	5/82	Under 4	Under 4	Between 1 & 4 in rear seat	**
Delaware ¹	1982	6/82	Under 4	Under 4	No	
Florida *	1982	7/83	Under 6	Under 4	Between 4 & 6	**
Georgia	1983	7/84	Under 4	Under 3	Between 3 & 4	
Hawaii	1983	7/83	Under 4	Under 3	Between 3 & 4	**
Idaho ¹	1984	1/85	Under 4 ²	Under 4 ²	No	**
Illinois ¹ *	1982	7/83	Under 6	Under 4	Between 4 & 6	**
Indiana	1983	1/34	Under 5	Under 3	Between 3 & 5	**
Iowa *	1984	1/85	Under 6	Under 3	Between 3 & 6	**
Kansas ¹ *	1981	1/82	Under 4 ⁴	Under 4 ⁴	No	**
Kentucky ¹	1982	7/82	Under 40"	Under 40"	No	
Louisiana	1984	9/84	Under 5	Under 5	Between 3 & 5 in rear seat	**
Maine ¹ *	1983	9/83	Under 12	Under 4	Between 1 & 4 if not in parent's vehicle	4 thru 11
Maryland	1983	1/84	Under 5	Under 3	Between 3 & 5	**
Massachusetts *	1981	1/82	Under 12	Under 5	Under 5	5 thru 11
Michigan	1981	4/82	Thru 4	Thru 4	1 thru 4 in rear seat	**
Minnesota *	1982	8/83	Under 4	Under 4	No	**
Mississippi	1983	7/83	Under 2	Under 2	No	
Missouri	1983	1/84	Under 4	Under 4	Under 4 in rear seat	**
Montana ¹ *	1983	1/84	Under 4 ²	Under 2	Between 2 & 4	**
Nebraska	1983	8/83	Under 4	Under 1	Between 1 & 4	
Nevada	1983	7/83	Under 5	Under 5	Under 5 in rear seat	**
New Hampshire *	1983	7/83	Under 5	Under 5	Under 5	**
New Jersey	1983	4/83	Under 5	Under 5	Between 1½ & 5 in rear seat	**
New Mexico *	1983	8/83	Under 11	Under 5	Between 1 & 5 in rear seat	5 thru 10 **
New York *	1981	4/82	Under 10	Under 4	Between 4 & 10 in rear seat	4 thru 9 **
North Carolina *	1981	7/82	Under 6	Under 3	Between 3 & 6	**
North Dakota *	1983	1/84	Thru 5	Under 3	3 thru 5	
Ohio	1982	3/83	Under 4 ²	Under 4 ²	Between 1 & 4 if not in parent's vehicle	**
Oklahoma *	1983	11/83	Under 5	Under 4	Under 4 in rear; 4-5 in front or rear	**
Oregon *	1983	1/84	Under 16	Under 1	Between 1 & 5	5 thru 15**
Pennsylvania *	1983	1/84	Under 4	Under 4	Between 1 & 4 in rear seat	
Rhode Island *	1980	7/80	Thru 12	Thru 3	No	4 thru 12
South Carolina	1983	7/83	Under 4	Under 4	Between 1 & 4 in rear seat	
South Dakota *	1984	7/84	Under 5	Under 2	Between 2 & 5	
Tennessee *	1977	1/78	Under 4	Under 4	No	**
Texas	1984	10/84	Under 4	Under 2	Between 2 & 4	**
Utah ¹	1984	7/84	Under 5	Under 2	Between 2 & 5	**
Vermont *	1984	7/84	Under 5	Under 5	Between 1 & 5 in rear seat	
Virginia *	1982	1/83	Under 4	Under 3	Between 3 & 4 or over 40 pounds	**
Washington ¹	1983	1/84	Under 5	Under 1	Between 1 & 5	**
West Virginia *	1981	7/81	Under 9	Under 3	Between 3 & 5	5 thru 8
Wisconsin *	1982	11/82	Under 4	Under 2	Between 2 & 4	
Wyoming	1985	4/85	Under 3 ²	Under 3 ²	No	
Dist. of Col.	1982	7/83	Under 6	Under 3	Between 3 & 6	**

- NOTES: ¹ Law applies only to parents and legal guardians
² Or less than 40 pounds
³ Most states waive fines upon proof of safety seat acquisition
⁴ Kansas law applies only to children riding in front seat.
* States which have upgraded laws since original enactment.
** Covered by State Safety Belt Laws

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

*Docking State Office Building
Topeka 66612-1568
(913) 296-3566*

Horace B. Edwards
Secretary of Transportation

February 15, 1988

Mike Hayden
Governor of Kansas

MEMORANDUM TO: The Honorable Rex Crowell, Chairman
 House Committee on Transportation

FROM: Edward R. DeSoignie *EDS*
 Policy Coordinator

REGARDING: House Bill 2716

Mr. Chairman, members of the Committee, thank you for the opportunity to comment on House Bill 2716. The Department appears before you in support of House Bill 2716 and requests favorable consideration of the bill by the Committee.

House Bill 2716 makes the following changes in the Child Passenger Safety Act as found at K.S.A. 1987 Supp. 8-1344:

- (1) Amends the act to require passenger restraint for children of age ten and under.
- (2) Amends the act to require child carriers for the back seat for children under four years of age, and seat belts for children of ages four through ten.
- (3) Amends the act to make the driver of the vehicle responsible for compliance with the act.
- (4) Applies the provisions of the act to pickup trucks.
- (5) Establishes a \$25 fine for the first offense and \$50 fine for the second and subsequent offenses.
- (6) Applies the act to all vehicles being operated in the state.

The policies contained in House Bill 2716 are consistent with the overall direction of highway safety policies established by the Kansas Legislature over the past several years. House Bill 2716 provides for a more enforceable child passenger safety act, and the Department believes that enactment of House Bill 2716 would improve traffic safety on our state's highways.

The Department requests favorable consideration of House Bill 2716. Thank you.