

Approved 3/28/89 Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

9:02 a.m./~~p.m.~~ on March 21, 1989 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Louise Cunningham, Committee Secretary

Conferees appearing before the committee:

Rep. Cindy Empson
Daryl Montei, Department of Wildlife and Parks
Michael Dix, Kansas Head Injury Association
Cliff Heckathorn, Kansas Head Injury Association
Ruth N. Meserve, Kansans for Highway Safety
Lt. Bill Jacobs, Kansas Highway Patrol
Dr. James D. Mankin, Department of Health and Environment
Terri Roberts, Kansas State Nurses' Association
Don Grohn, City of Wichita
Maj. Charles Rummery, Wichita Police Department
Mark Wettig, Department of Revenue

Hearing on H.B. 2053 - Watercraft; requiring certain persons to wear lifesaving devices.

Rep. Cindy Empson, said it was the goal of the National Water Safety Congress to pass this type of legislation in every state. It would require every child 12 years of age or younger to wear a flotation device while riding in a boat. A copy of her statement is attached. (Attachment 1).

Daryl Montei, Department of Wildlife and Parks, said this was intended as a safety measure to protect persons 12 years of age and younger. The Department supports the bill. A copy of his statement is attached. (Attachment 2).

A motion was made by Sen. Vidricksen to report H.B. 2053 favorably for passage. Motion was seconded by Sen. Rock. Motion carried.

Hearing on H.B. 2196 - Concerning child passenger safety act amendments.

Michael Dix, Kansas Head Injury Association, said there has been a strong gain in safety belt usage in the past five years because of the educational programs and they support a "child law". A copy of his statement is attached. (Attachment 3).

Cliff Heckathorn, Kansas Head Injury Association, said they support this bill to help protect children. A copy of his statement is attached. (Attachment 4).

Ruth N. Meserve, Kansans for Highway Safety, spoke of the children who were killed in automobile accidents and may have survived if they had been belted. The children should not be exempt from this life-saving law. A copy of her statement is attached. (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:02 a.m./p.m. on March 21, 1989

Lt. Bill Jacobs, Kansas Highway Patrol, said they support this bill as a safety measure for children. A copy of his statement is attached. (Attachment 6).

Dr. James D. Mankin, Department of Health and Environment, said they support this bill. A copy of his statement is attached. (Attachment 7).

Terri Roberts, Kansas State Nurses' Association, said the Kansas law is one of the weakest in the country and the time has come to strengthen the provisions of this act. A copy of her statement is attached. (Attachment 8).

Hearing on H.B. 2055 - Municipally owned vehicles used for law enforcement purposes not subject to LP motor fuel tax.

Don Grohn, City of Wichita, said that the City of Wichita changed to liquefied fuels originally because they burned cleaner and extended the life of engines. Cost also made the conversion attractive. This would amend existing law to exempt municipally owned vehicles used for law enforcement activities from the motor fuel tax. A copy of his statement is attached. (Attachment 9).

Maj. Charles Rummery, Wichita Police Department, said the City experimented with the use of liquefied petroleum and the cost is now reaching the point where the cost of converting the vehicles, taxes, and increased cost of fuel no longer offer a savings to the City of Wichita. A copy of his statement is attached. (Attachment 10).

Mark Wettig, Department of Revenue said passage of this measure would cause a loss of \$35,000 for FY 1990. A copy of his statement is attached. (Attachment 11).

A motion was made by Sen. Hayden to recommend H.B. 2055 favorably for passage. Motion was seconded by Sen. Martin. Motion carried.

Action on H.B. 2196 - Child passenger safety.

A motion was made by Sen. Saltee to return the fine to \$10 instead of \$20. Motion was seconded by Sen. Hayden. Motion carried. The intent was that since the bill was supposed to educate the public the larger fine was unnecessary.

There was committee discussion about pick-ups and seat belts in school buses. A conceptual motion was made by Sen. Francisco that pick-ups should be included in this legislation. Motion was seconded by Sen. Martin. After discussion, the motion was withdrawn.

A motion was made by Sen. Rock to recommend H.B. 2196 as amended, favorably for passage. Motion was seconded by Sen. Hayden. Motion carried.

Meeting was adjourned at 10:00 a.m.

CINDY EMPSON
REPRESENTATIVE, EIGHTH DISTRICT
MONTGOMERY COUNTY
HOME ADDRESS: P.O. BOX 848
INDEPENDENCE, KANSAS 67301
TOPEKA OFFICE: STATEHOUSE, RM. 182-W
TOPEKA, KANSAS 66612



TOPEKA

HOUSE OF
REPRESENTATIVES

MARCH 21, 1989

TO: SENATOR BILL MORRIS, CHAIRMAN

RE: HB 2053

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU IN SUPPORT OF HB 2053. I HAVE INTRODUCED THIS BILL AT THE REQUEST OF A MEMBER OF THE NATIONAL WATER SAFETY CONGRESS, WHOSE GOAL IS TO PASS THIS TYPE OF LEGISLATION IN EVERY STATE.

THIS BILL, AS AMENDED BY THE HOUSE COMMITTEE, MAKES IT A REQUIREMENT THAT EVERY CHILD 12 YEARS OF AGE OR YOUNGER WEAR A TYPE I, TYPE II, OR TYPE III U.S. COAST GUARD APPROVED PERSONAL FLOTATION DEVICE WHILE RIDING IN A BOAT. IT MAKES THE BOAT OPERATOR RESPONSIBLE FOR MAKING SURE THIS IS DONE, AND SETS THE PENALTY FOR NON COMPLIANCE A CLASS C MISDEMEANOR.

ATTACHED TO MY TESTIMONY IS A COPY OF A SURVEY CONDUCTED BY THE CORPS OF ENGINEERS, TULSA DISTRICT, WHICH WAS DISTRIBUTED DURING SEPT. AND OCT., 1987 AT PROJECTS AND STATE FAIRS. ALSO ATTACHED IS A PAGE LISTING DIFFERENT STATE REQUIREMENTS FOR THE WEARING OF LIFE JACKETS. THIS IS TAKEN FROM THE "SMALL CRAFT ADVISORY", WHICH IS A PUBLICATION OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS. ALSO ATTACHED IS A PICTORIAL DESCRIPTION OF PERSONAL FLOTATION DEVICES. I THINK MY ATTACHMENTS ARE SELF-EXPLANATORY.

THANK YOU FOR ALLOWING ME TO SPEAK IN BEHALF OF THIS BILL. I'LL BE HAPPY TO ANSWER QUESTIONS.

ATT. 1
T&U
3/21/89

CORPS OF ENGINEERS

TULSA DISTRICT BOATING SURVEY SEPTEMBER-OCTOBER 1987

DISTRIBUTED AT AT PROJECTS AND FAIRS

This year, several water-related multiple fatalities have occurred across the state; and, tragically, some of them have resulted in the loss of life for several children. What is even sadder is the fact that all of these children would be with us today had they been wearing properly fitted personal flotation devices (PFDs). The Corps of Engineers has joined the states of Oklahoma and Kansas in supporting the enactment of a mandatory PFD law applying to children under 12 and riding in boats. The goal is to have this legislation in place by the start of next year's boating season. This same law has been in effect in the state of Texas for many years.

Prior to the enactment of any law or regulation, it is good to know what the public thinks of such a measure. We hope that you will take time to complete the following survey and return it to the Corps of Engineers before you leave or mail the survey along with your comments to: U. S. Army Corps of Engineers, Operations Division, PO Box 61, Tulsa, Oklahoma 74121-0061.

1. Do you think children under the age of 12 should be required to wear a properly fitted PFD while on board a boat? YES or NO. 2,323 answered yes and 119 answered no. (95% yes - 5% no)
2. Do you think there should be some form of operator's license for a boat? YES or NO. 1,377 answered yes and 1,071 answered no. (54% yes - 56% no)
3. Do you think there should be some restrictions on alcohol and operation of a boat? YES or NO. 2,051 answered yes and 389 answered no. (83% yes - 17% no)
4. Do you think there should be a requirement for all occupants of Class A boats (boats under 16 feet in length) to wear PFDs while on board? YES or NO. 1,460 answered yes and 985 answered no. (59% yes - 41% no)
5. Are you an owner or operator of a boat? YES or NO. About three-fourths answered yes and one-fourth answered no.
6. Do you have children under the age of 12? YES or NO. About one-half answered yes and one-half answered no.

Kansas Fish & Game Commission



Rob Manes
Wildlife Education Coordinator
Pratt Headquarters
Rt. 2, Box 54A
PRATT, KS 67134

*KC Dist.
Mike Carey
Ch. Nat. Res. for
Ops Div.*

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Personal Flotation Device Wearing Requirements

STATE	YOUTH	WATER SKIERS	OTHERS
Alabama			Within 800 feet below hydro electric dam.
Arizona	Under 12		
Colorado			Operator, crew, all passengers aboard vessel during commercial trip.
Connecticut		Yes	
Delaware	12 and under		
District of Columbia			Everyone under 18 in vessel when 18-year-old or younger is operating.
Kentucky		Yes	
Louisiana	12 and under		
Maryland		Yes	Sailboarder must wear flotation wetsuit in fall and winter.
Massachusetts			Between Sept. 15 and May 15, everyone in canoes and kayaks.
Mississippi	12 and under		
Montana	Under 12		
Nebraska	Under 12		
Nevada		Yes	
New Hampshire	6 and under		
New Jersey		Yes	
New Mexico			Everyone in white water rafts, ice sailboats, surfboards, kayaks, canoes, rubber rafts, air mattress on any waters, and in boats on rivers.
New York		In specified areas	
Ohio	Under 10 in boats under 18 feet		
Oklahoma	12 and under in boats under 27 feet		
Pennsylvania	Under 9 on Fish Commission and State Park lakes		
Puerto Rico	10 and under		
Texas	Under 12		
Utah	Under 12 in vessel under 19 feet or if outside cabin in vessel over 19 feet		Everyone on all rivers except where designated flat must wear Type I or Type III. If carrying passengers for hire on above waters, must wear Type I. Everyone on waterjets or sailboards.
Vermont		Yes	
Virginia		If no observer in boat.	
West Virginia			Everyone on white water.
Washington			Two counties require everyone on boats, inner tubes, etc. on moving water.
States, territories and provinces with no PFD wearing requirements are Arkansas, California, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Ontario, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Virgin Islands, Wisconsin and Wyoming.			

Some states require children to wear personal flotation devices in boats, others require water skiers to wear them, and some states require the wearing of PFDs in specific conditions.

REPRODUCED AT GOVERNMENT EXPENSE

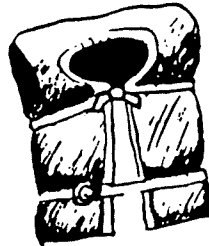
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For Your Information:



TYPE I (life jacket) – Designed to turn an unconscious person in water to vertical or slightly backward position. 20 pounds buoyancy.

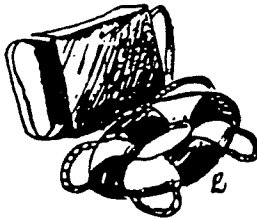
PERSONAL FLOTATION DEVICES



TYPE II (life vest) – Designed to turn an unconscious person to a vertical or slightly backward position. 15½ pounds buoyancy.

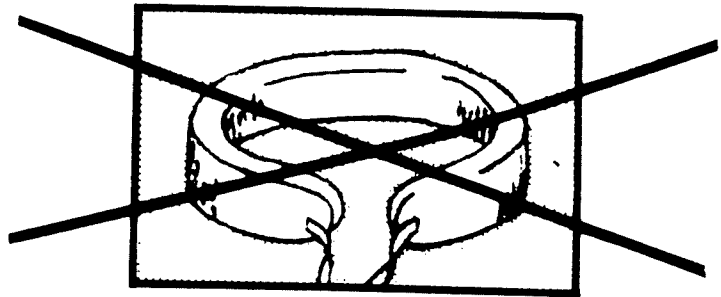


TYPE III (multi-purpose jacket) – Designed to keep a conscious person in vertical or slightly backward position. 15½ pounds buoyancy. Less turning ability than Type II, designed for water activities, such as skiing.



TYPE IV (float cushion or ring buoy) – Designed to be thrown to a person in the water and not worn. 16½ pounds buoyancy.

DO NOT EXPECT YOUR BOAT TO PASS INSPECTION BY DISPLAYING THIS ITEM.



The Type III PFD is the jacket worn most often by skiers and fisherman.

Cindy Empson
District 8

Re: HB 2053

H.B. 2053

Testimony Provided to Senate Transportation
and Utilities Committee

March 21, 1989

Prepared by Kansas Department of Wildlife & Parks

The Kansas Department of Wildlife and Parks has responsibility for administration of the boating program in Kansas. Boating safety is an important component of our boating program.

H.B. 2053 is intended as a safety measure to protect persons 12 years of age and younger. Current law requires a wearable Coast Guard approved lifesaving device on board for each person on board. H.B. 2053 would require the lifesaving device to be worn by persons 12 years of age and younger. The Department supports H.B. 2053.

ATT. 2
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Child Passenger Safety in Kansas

HB 2196

I appreciate this opportunity to address this committee on a subject with which I have been involved as both the director of a state-funded safety belt and child safety seat education project within the Kansas Cooperative Extension Service and, now, as the director of a state- and private-funded head and spinal cord injury prevention project within the Kansas Head Injury Association.

For the past three years, I have been directly involved in conducting the safety belt and child safety seat usage surveys which are used to determine the degree of compliance in the state with regard to our so-called "adult law" and "child law." During that period of time, it has been encouraging to note the steady progress which has occurred, especially with regard to our newest motor vehicle occupant protection law. There are clear indications that Kansans are beginning to recognize and accept the value of these safety devices and that this change in attitude is manifested in the higher usage levels. Our surveys (which have been verified by other studies) indicate that nearly half of our Kansans are using their safety belts and more than 60% of our babies--under the age of four--are secured in some kind of safety restraint.

Some have attributed these strong gains (nearly 400% in safety belt usage in the past five years) to education alone and they look to educational programs to elevate our usage rates to the 90% levels of Europe and Australia.. But, while I would agree that our educational efforts have played a major contributing role in this process, these individuals tend to overlook the following:

1. We experienced a 65% gain in safety belt usage just during the summer that the law-with-fine went into effect; and
2. Worldwide experience with safety restraint legislation clearly shows that it is nearly impossible to increase usage much beyond 50% without consistent high levels of enforcement.

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I agree with the Attorney General that the safety restraint laws should be considered to be "educational tools," designed to persuade rather than punish Kansans. But, if the public (especially that segment of the public which has not been convinced by traditional educational efforts to buckle up) fails to fulfill this social responsibility which benefits us all, it is essential that law enforcement officers be given the tools and the encouragement to underscore the seriousness of the issue through aggressive, consistent enforcement. This is not simply to help reduce the nearly 500 fatalities and 20,000 injuries in Kansas motor vehicle crashes each year (in which half of our head injuries occur). . . nor is it simply to reduce the tragic consequences of these crashes for the victims and their families. It is as much to reduce the annual crash-oriented societal cost, borne by all taxpayers here, which is currently estimated at 50-65 million dollars in Kansas alone!

I believe in the effectiveness and the necessity of the safety restraint laws--both for safety belt and child safety seat usage--as reinforcers of our important educational efforts. But, I feel most emphatically that a consistently enforced "child law" is a major key to both our short- and long-term efforts to effect behavioral change among Kansans. An easy-to-comprehend "child law" which pertains to all of our young children (unlike the current collage of compromises and exclusions), would be accepted, supported and enforced by most Kansans.

All of our children deserve a stronger societal commitment to their safety in motor vehicle travel. And, our law enforcement officers--who have to deal with the consequences of parental ignorance and irresponsibility--deserve a law which facilitates their efforts to protect our children. I urge you to give us a "child law" which is comprehensive, inclusive and reflective of a sincere appreciation of, concern for and commitment to child passenger safety.

Thank you.

Michael Dix
Project Director
Kansas Head and Spinal Cord
Injury Prevention Project
9401 Nall Avenue (Suite 105)
Shawnee Mission, KS 66207
(913) 648-4874



Kansas Head Injury Association

9401 Nall Suite 105

Shawnee Mission, Kansas 66207

913/648-4772

March 20, 1989

Senator Bill Morris
Chairperson, Transportation & Utilities
Room 143-N

Re: Testimony - H.B. 2196
Tuesday, March 21, 1989 - 9:02 a.m.
Transportation & Utilities Committee
Room 254-D

The mission of the Kansas Head Injury Association includes supporting programs and services to prevent head injury.

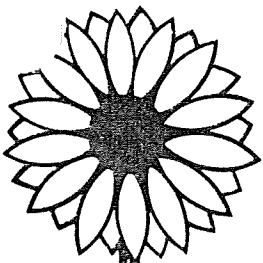
Statistics indicate 50% of all head injuries are caused by motor vehicle accidents and 80% of the more severe or traumatic head injuries are the result of motor vehicle accidents. These numbers include many children.

Anything we can do to improve the passenger safety in vehicles will help reduce injuries. Consequently, we support House Bill 2196 and encourage you to vote for it.

Thank you, Mr. Chairman, for the opportunity to be here and testify before this committee.

Cliff Heckathorn
Vice President & Volunteer Lobbyist
Kansas Head Injury Association

ATT. 4
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Kansans for Highway Safety

THE SENATE TRANSPORTATION COMMITTEE

On behalf of Kansans for Highway Safety, I ask that you support HB 2196, 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.

In 1986, 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 3 fatalities (5 not belted), and 818 injured (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.

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SUMMARY OF TESTIMONY

Before the Senate Transportation and Utilities Committee

House Bill 2196

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

March 21, 1989

Appeared in Support of House Bill 2196

The Kansas Highway Patrol supports House Bill 2196 since it is a safety measure to protect children who are transported in vehicles over the highways of the 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 2196 would amend the child passenger safety act to include children up to age 14. 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.

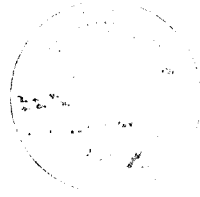
The bill would make child restraints mandatory anywhere within a passenger car.

House Bill 2196 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 offenses from \$10 per occurrence to \$20. The threat of a larger fine would definitely be an added 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.

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T&U
3/21/89



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, *Governor*

Stanley C. Grant, Ph.D., *Secretary*

Gary K. Hulet, Ph.D., *Under Secretary*

Testimony presented to
Senate Transportation and Utilities Committee

by

The Kansas Department of Health and Environment

House Bill 2196

House Bill 2196 would require every driver who transports a child under the age of fourteen (14) in a passenger car, to provide the following protection:

- A. A child passenger safety restraint system, manufactured in compliance with the Federal Motor Vehicle Safety Standard No. 208, for children under the age of four (4).
- B. A safety belt which meets Standard No. 208 requirements for children four-fourteen (4-14) years of age.

According to July 1988 information from the U.S. Department of Transportation, National Highway Traffic Safety Administration, rear seat lap belts do a good job of preventing accidental ejection and reduce the risk of accidental death or injury. They provided the following information regarding the use of rear seat lap belts:

- A. You are better off using lap belts in the rear seat than riding unrestrained.
- B. Lap belts saved about 100 lives and prevented over 1,500 serious injuries in 1987. If rear seat usage was 100%, lap belts would have saved an estimated 660 lives and prevented more than 10,000 serious injuries.
- C. Rear lap belts reduce auto related death by 32% and injuries by 36%.

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HB 2196
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The proper use of lap belts is unquestionably preferable to traveling unsecured in the rear seat of a passenger car. Therefore, The Department of Health and Environment supports this bill.

Testimony presented by: James D. Mankin, DDS, MPH
Director
Bureau of Local Health Services
March 21, 1989



FOR FURTHER INFORMATION CONTACT:

TERRI ROBERTS, J.D., R.N.
EXECUTIVE DIRECTOR
KANSAS STATE NURSES' ASSOCIATION
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TOPEKA, KANSAS 66612
(913) 233-8638
March 21, 1989

H.B. 2196 - CHILD PASSENGER SAFETY ACT

Chairperson Morris and members of the Senate Transportation Committee, my name is Terri Roberts, J.D., R.N. I am a registered nurse representing the Kansas State Nurses' Association.

H.B. 2196 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. Kansas was one of the first states to enact a Child Passenger Safety Act in 1981, and consequently, the Kansas law is one of the weakest in the country. The time has come to strengthen the provisions of this act.

<u>Current Law</u>	<u>H.B. 2196 - Proposed</u>
4 years or under	14 years
front-seat passenger	not distinguished (deletes front-seat requirements)
only parents/guardians can be ticketed	Drivers transporting children can be ticketed
\$10.00 first offense	\$20.00 first 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 twelve other state laws apply to parents and legal guardians. In the remaining thirty seven 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.

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KANSAS STATISTICS

In 1987 in Kansas, Department of Transportation statistics showed 122 fatalities under age 19. 118 of those persons were not wearing safety belts. Of the age group four and under, there were 8 fatalities (5 not belted).

BUCKLING UP CHILDREN

MYTH: I put the children in the rear seats. That safe enough, isn't it?

FACT: Children need to be protected because their potential for ejection and for serious and fatal injury is just as great as that for adults.

MYTH: "I wouldn't think of putting my baby in a restraint seat. She's fine in my arms."

FACT: A baby may weigh very little, but in an accident, the baby's apparent weight increases dramatically as accident forces exert pressures on occupants. In a crash as slow as 10 mph, the forces on occupants can reach 20 times the force of gravity. In such an occurrence, an unrestrained 12-pound child will exert a 240-pound force on the arms of the person holding the child. Under such conditions, the baby would be almost impossible to hold.

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

We would ask for your support in the passage of H.B. 2196 to help protect our most valuable resource, our children.

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	Penalty ³
Alabama	1982	7/82	Under 3	Under 3	No		\$10
Alaska	1984	6/85	Under 7	Under 4	4 thru 6		2 pts. & up to \$300
Arizona ^{1 *}	1983	8/83	Thru 4 ²	Thru 4 ²	No		\$50
Arkansas	1983	8/83	Under 5	Under 3	Between 3 & 5		\$10—\$25
California ¹	1982	1/83	Under 4 ²	Under 4 ²	If not in parent's vehicle	**	\$50—\$200
Colorado	1983	1/84	Under 4 ²	Under 4 ²	No	**	\$25
Connecticut	1982	5/82	Under 4	Under 4	Between 1 & 4 in rear seat	**	\$25—\$100
Delaware ¹	1982	6/82	Under 4	Under 4	No		\$25
Florida [*]	1982	7/83	Under 6	Under 4	Between 4 & 6	**	\$15
Georgia [*]	1983	7/84	Under 5	Under 3	Between 3 & 5	**	\$25
Hawaii	1983	7/83	Under 4	Under 3	Between 3 & 4	**	\$100 maximum
Idaho ¹	1984	1/85	Under 4 ²	Under 4 ²	No	**	\$100 maximum
Illinois ^{1 *}	1982	7/83	Under 6	Under 4	Between 4 & 6	**	\$25—\$50
Indiana	1983	1/84	Under 5	Under 3	Between 3 & 5	**	\$50—\$500
Iowa [*]	1984	1/85	Under 6	Under 3	Between 3 & 6	**	\$10
Kansas ^{1 *}	1981	1/82	Under 4 ⁴	Under 4 ⁴	No	**	\$10
Kentucky ^{1 *}	1982	7/82	Under 40 ⁴	Under 40 ⁴	No		\$50
Louisiana	1984	9/84	Under 5	Under 5	Between 3 & 5 in rear seat	**	\$25—\$50
Maine ^{1 *}	1983	9/83	Under 12	Under 4	Between 1 & 4 if not in parent's vehicle	4 thru 11	\$25—\$50
Maryland	1983	1/84	Under 5	Under 3	Between 3 & 5	**	\$25
Massachusetts [*]	1981	1/82	Thru 12	Under 5	Under 5	5 thru 12	\$25
Michigan	1981	4/82	Thru 4	Thru 4	1 thru 4 in rear seat	**	\$10
Minnesota [*]	1982	8/83	Under 11	Under 4	4 thru 10 in rear seat	**	\$25
Mississippi ¹	1983	7/83	Under 2	Under 2	No		\$10
Missouri	1983	1/84	Under 4	Under 4	Under 4 in rear seat	**	\$25
Montana ^{1 *}	1983	1/84	Under 4 ²	Under 2	Between 2 & 4	**	\$10—\$25
Nebraska	1983	8/83	Under 4	Under 1	Between 1 & 4		\$25
Nevada	1983	7/83	Under 5	Under 5	Under 5 in rear seat	**	\$35—\$100
New Hampshire [*]	1983	7/83	Under 5	Under 5	Under 5		\$30
New Jersey [*]	1983	4/83	Under 5	Under 5	Between 1½ & 5 in rear seat	**	\$10—\$25
New Mexico [*]	1983	6/83	Under 11	Under 5	Between 1 & 5 in rear seat	5 thru 10 **	\$50
New York [*]	1981	4/82	Under 10	Under 4	Between 4 & 10 in rear seat	4 thru 9 **	\$25
North Carolina [*]	1981	7/82	Under 6	Under 3	Between 3 & 6	**	\$25
North Dakota [*]	1983	1/84	Thru 5	Under 3	3 thru 5		\$20
Ohio	1982	3/83	Under 4 ²	Under 4 ²	Between 1 & 4 if not in parent's vehicle	**	\$10
Oklahoma [*]	1983	11/83	Under 5	Under 4	Under 4 in rear; 4-5 in front or rear	**	\$25 maximum
Oregon [*]	1983	1/84	Under 16	Under 1	Between 1 & 5	5 thru 15 **	\$50 maximum
Pennsylvania [*]	1983	1/84	Under 4	Under 4	Between 1 & 4 in rear seat	**	\$25
Rhode Island [*]	1980	7/80	Thru 12	Thru 3	No	4 thru 12	\$10
South Carolina [*]	1983	7/83	Under 6	Under 4	Between 1 & 6 in rear seat		\$25
South Dakota ^{* 1}	1984	7/84	Under 5	Under 2	Between 2 & 5		\$20
Tennessee [*]	1977	1/78	Under 4	Under 4	No	**	\$2—\$10
Texas	1984	10/84	Under 4	Under 2	Between 2 & 4	**	\$25—\$50
Utah ¹	1984	7/84	Under 5	Under 2	Between 2 & 5	**	\$20
Vermont [*]	1984	7/84	Under 5	Under 5	Between 1 & 5 in rear seat		\$25
Virginia [*]	1982	1/83	Under 4	Under 3	Between 3 & 4 or over 40 pounds	**	\$25
Washington ¹	1983	1/84	Under 5	Under 1	Between 1 & 5	**	\$30
West Virginia [*]	1981	7/81	Under 9	Under 3	Between 3 & 5	5 thru 8	\$10—\$20
Wisconsin [*]	1982	11/82	Under 4	Under 2	Between 2 & 4	**	\$10—\$200
Wyoming	1985	4/85	Under 3 ²	Under 3 ²	No		\$25
Dist. of Col.	1982	7/83	Under 6	Under 3	Between 3 & 6	**	\$25

- 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

THE CITY OF WICHITA

**DEPARTMENT OF
PUBLIC WORKS**

FLEET & BUILDINGS DIVISION
CITY HALL — EIGHTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4338

March 20, 1989

TO: Members of the Senate Transportation Committee

FROM: Dan Grohn, Fleet & Buildings Director
CITY OF WICHITA

RE: H.B. No. 2055 LP MOTOR FUEL TAX EXEMPTION FOR LAW
ENFORCEMENT VEHICLES

Members of the Committee:

The City of Wichita wishes to express its support of the provisions in House Bill No. 2055 to exempt municipally owned vehicles used in law enforcement from the State LP Motor Fuel Tax Law.

In 1981, the City of Wichita began converting a number of its vehicles to liquefied petroleum fuel because it was considered cleaner and less expensive than gasoline. The City has converted more than 1,000 cars and trucks, at a cost of \$1.16 million. This amount includes an average cost of \$700 per vehicle and \$284,000 for the purchase and installation of the necessary fuel tanks and dispenser system at our maintenance facilities.

Until 1983, subdivisions of the State were specifically exempt from taxation under the Liquefied Petroleum Motor Fuel Tax Law. We must now annually monitor, keep additional records, affix tags, and submit a detailed listing to the State on 140 LP fueled vehicles.

In 1989, the City of Wichita will pay over \$25,000 in LP fuel tax. In addition, many hours are spent each year updating records, processing tax payments, and affixing the "Tax Paid" tags on each vehicle. Since we fuel our own vehicles, these tags do not serve their intended purpose of notifying an LP vendor not to charge the tax on a sale of propane for that vehicle.

To our knowledge, Salina is the only other city affected by the LP Tax Law. Salina's Central Garage Manager advises they have approximately 80 LP fueled light and heavy trucks of which they pay over \$6,100 annually in LP tax.

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Re: H.B. No. 2055 LP Motor Fuel Tax Exemption for Law Enforcement Vehicles

Since propane tax revenues are eventually distributed back to cities and counties, we believe it would be most cost effective for everyone to exempt local governments once again from this tax. Although it is the City's preference that municipalities be totally exempt from the LP Motor Fuel Tax Law, exemption of our law enforcement vehicles will certainly reduce the amount of tax we pay as well as the administrative time and cost for the whole process. We currently have 35 LP fueled police vehicles that consume approximately 48 percent of our annual propane supply.

The City of Wichita requests your consideration and urges your support of House Bill No. 2055. Thank you.

LP MOTOR FUEL TAX EXEMPTION

A change in the state law is necessary to reduce the cost to cities for operating vehicles fueled by LP gas. Use of LP gas as a motor fuel has saved tax dollars in past years and since LP burns clean, it has been environmentally beneficial.

Review

In 1983, the State Legislature removed local government's exemption from the LP motor fuel tax law. The exemption was originally created to encourage the use of LP gas as a clean burning alternative fuel for motor vehicles. The 1983 action was a revenue raising measure primarily directed to recover fuel taxes from farmers and other users who took bulk delivery of LP gas for purposes other than motor fuel.

In 1985, the City of Wichita requested introduction of a bill to again exempt municipalities from the tax. SB294 was introduced by several Sedgwick County senators but was stricken from the calendar late in the session. In 1986, Senator Francisco amended this bill (then 354) on to HB3030 in an effort to save it, but the amendment did not survive the committee.

For the 1987 Legislative Session, SB170 was introduced by Senators Anderson, Daniels, Feleciano, Francisco, Morris and Yost. This bill would exempt municipally owned vehicles used primarily for law enforcement from the LP motor fuel tax. Again, the bill failed to pass committee.

History

In 1981, the City of Wichita began converting a number of its vehicles to liquified petroleum fuel because it was considered cleaner and less expensive than gasoline. In addition, we expected (and realized) longer vehicle life through use of a cleaner burning alternate fuel. Over the life of this program, the City of Wichita has converted more than 1,000 vehicles and pieces of construction equipment to burn propane and has spent more than 1.16 million dollars in instituting and maintaining the program. This amount includes an average cost of \$700 per vehicle and \$284,000 for the purchase and installation of the necessary fuel tanks and dispenser system at our maintenance facilities.

Since 1981, our program has been safely managed. We have extended the operational life of our units by an average of 25%, saving the taxpayer money in reduced fuel costs and in equipment repair and replacement costs. There are currently 140 vehicles operating on LPG. Thirty-five are police units. The 35 police units consume about 48% of our total propane purchased for motor vehicle use.

Specifics of the Proposal

The proposal would amend existing law to exempt municipally owned vehicles used for law enforcement activities from the motor fuel tax. Benefits gained through increased use of LPG as a motor fuel are: 1) Less air pollution, 2) Lower cost of municipal government operations, through use of cheaper fuel, extension of asset operational life. Finally, elimination of the annual report and associated clerical activities such as affixation of a tax sticker to each vehicle would reduce overhead costs.

THE CITY OF WICHITA



POLICE DEPARTMENT
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

March 14, 1989

TO: Chairman Bill Morris and Members of the Transportation and Utilities Committees

FROM: Charles Rummery, Major, Wichita Police Department
City of Wichita

RE: H.B. No. 2055 LP MOTOR FUEL TAX EXEMPTION FOR LAW ENFORCEMENT VEHICLES

Chairman Morris and Members of the Committees:

The Wichita Police Department is a supporter of the provisions in House Bill No. 2055 which would exempt municipal owned vehicles used in law enforcement from the STATE LP MOTOR FUEL TAX LAW.

Since 1981, the Wichita Police Department has used liquefied petroleum fuel in marked police vehicles. Our marked vehicles average between 70,000 and 80,000 miles per year. Our experience in using the LP fuels determined that even when these vehicles exceeded 100,000 miles they continued to emit less harmful emissions than those vehicles operating on gasoline.

Originally, the City experimented with the use of liquefied petroleum for two reasons. The first was that LP fuels burned cleaner and extended the engine life of the vehicle. The second reason was the cost fact which made the conversion to LP fuels attractive.

The continued use of LP fuels in the State of Kansas is environmentally important, however, to encourage the use of these cleaner burning fuels they must also be cost attractive. The cost factor is now reaching the point where the cost of converting the vehicles, taxes, increased cost of the fuel and the limited fueling sites no longer offer a savings to the City of Wichita.

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During the last two years, the Wichita Police Department has reduced the number of marked vehicles using LP fuels for one or more of the above reasons.

Passing of House Bill No. 2055 will encourage the City of Wichita to continue to use LP fuels and may even encourage other cities to consider to use of such fuels.

The Wichita Police Department requests your consideration and urges your support of House Bill No. 2055. Thank you.

CR/pc



KANSAS DEPARTMENT OF REVENUE

Office of the Secretary

Robert B. Docking State Office Building
Topeka, Kansas 66612-1588

MEMORANDUM

TO: HONORABLE BILL MORRIS, CHAIRMAN
SENATE COMMITTEE ON TRANSPORTATION
AND UTILITIES

FROM: MARK WETTIG, SPECIAL ASSISTANT
DEPARTMENT OF REVENUE

DATE: March 20, 1989

SUBJECT: House Bill 2055

I appreciate the opportunity to appear before you today on House Bill 2055.

This bill would amend the liquid-petroleum motor fuel tax statutes by: 1) excluding municipally-owned vehicles used primarily for law enforcement purposes from the definition of motor vehicles; and 2) exempting bulk sales of LP-gas purchased for use by municipally-owned vehicles used primarily for law enforcement purposes. The effect of these changes is to legally exempt municipally-owned vehicles used primarily for law enforcement purposes from the liquid-petroleum motor fuel tax law.

The other changes in the bill represent technical language corrections.

This legislation would take effect July 1, 1989.

The Department has estimated a loss of \$35,000 for fiscal year 1990 should this legislation be enacted. This estimate is only a rough estimate as the Department does not have figures reflecting how much LP-gas tax can be attributed to law enforcement vehicles.

I would be happy to answer any questions which you may have relative to House Bill 2055.

General Information (913) 296-3909
Office of the Secretary (913) 296-3041 • Legal Services Bureau (913) 296-2381
Audit Services Bureau (913) 296-7719 • Planning & Research Services Bureau (913) 296-3081
Administrative Services Bureau (913) 296-2331 • Personnel Services Bureau (913) 296-3077

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