

Approved _____

2-27-91

Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Herman G. Dillon at
Chairperson

1:33 ~~am~~ p.m. on February 19, 1991 in room 519-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Hank Avila - Legislative Research
Tom Severn - Legislative Research
Bruce Kinzie - Revisor of Statutes
Jo Copeland - Committee Secretary

Conferees appearing before the committee:

Canda Byrne - Written testimony only (Attachment 14)
Nina Oakes - Resident, Wamego Ks
Tom Varnadore - Transportation Supervisor - Wamego, Ks Dist.
320
Dale Carlson - Supt. of Schools, Onaga, Ks Dist 322
Jack Tierce - Compliance Administrator of the Transportation
Division
Representative Don Rezac
Pat Hubbell - Ks Railroad Assoc.
Representative Nancy Brown
Paula Marmet - Health and Environment
Ed Klumpp - Ks for Highway Safety
Sgt. Sidwell - Topeka Police
Representative Barbara Lawrence

Chairman Dillon called the meeting to order.

HB 2165 - Obstruction of Highways by trains

Chairman Dillon introduced Nina Oakes who testified in support of HB 2165. (Attachment 1)

Chairman Dillon introduced Tom Varnadore who testified in support of HB 2165. (Attachment 2)

Questions and discussion followed.

Chairman Dillon introduced Dale Carlson who testified in support of HB 2165. He stated that Union Pacific has rail lines covering almost the entire width and depth of his District. He said there were concerns brought about by delays by trains blocking rail crossings. Onaga is located in the Northeast part of Pottawatomie County. He showed in a overhead view a map to point out which crossings were effected. (Attachment 3)

Questions and discussion followed.

Chairman Dillon introduced Jack Tierce who testified in support of HB 2165. (Attachment 4)

Questions and discussion followed.

Chairman Dillon introduced Representative Don Rezac who testified in support of HB 2165. (Attachment 5)

Questions and discussion followed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation

room 519-S, Statehouse, at 1:33 ~~XX~~ p.m. on February 19, 1991

Chairman Dillon introduced Pat Hubbell who appeared to express the position of the Kansas Railroad Association on HB 2165. He proposed an amendment which would raise fines and change language to address those instances where unfavorable circumstances affect the ability of the operating crew to break cars at Railroad crossings. (Attachment 6)

Questions and discussion followed.

Hearing ended on HB 2165.

HB 2217 - Prohibiting unlawful riding on vehicle.

Chairman Dillon introduced Representative Nancy Brown who testified in support of HB 2217. (Attachment 7)

Questions and discussion followed.

Chairman Dillon introduced Paula Marmet who testified in support of HB 2217. (Attachment 8)

Questions and discussion followed.

Chairman Dillon introduced Ed Klumpp who testified in support of HB 2217. (Attachment 9)

Questions and discussion followed.

Chairman Dillon introduced Sgt. Sidwell who testified in support of HB 2217. (Attachment 10)

Questions and discussion followed.

Hearing ended on HB 2217.

HB 2205 - Child passenger safety act, penalties. Mandates the payment of the \$10 fine and court costs as well as proof of purchase of an approved child passenger safety restraining system.

Chairman Dillon introduced Representative Barbara Lawrence who testified in support of HB 2205. (Attachment 11)

Questions and discussion followed.

Chairman Dillon introduced Paula Marmet who testified in support of HB 2205. (Attachment 12)

Questions and discussion followed.

Chairman Dillon introduced Ed Klumpp who testified in support of HB 2205. (Attachment 13)

See attachment 14
Questions and discussion followed.

Hearing ended on HB 2205.

Chairman Dillon introduced Bert Cantwell, Supt. of Kansas Highway Patrol. He stated, due to lack of information at this time, he would present bill request for the Vehicle Identification Number (VIN) bill next week.

Questions and discussion followed.

Chairman Dillon told committee that Gary Stotts the new Secretary of Transportation would be at hearing on 2-20-91 so he could introduce him to the committee. He requested the committee members to be on time.

Meeting adjourned at 3:01 p.m.

2-19-91

Nina Oakes
RR #1
Onaga, Kansas 66521
913-889-4482

Testimony on H.B. 2165

My name is Nina Oakes. My husband and I have lived at this address for sixteen years. The only access in or out of our home and ranch crosses the main Union Pacific (UP) tracks at the Aicken Switch. This is also the point where the spur line branches to Jeffrey Energy Center. A mile north of our driveway the county road also crosses the same UP tracks. This is our only access to the town of Onaga without a detour of twelve to thirteen miles. The school bus must traverse this crossing to pick up and bring home two other families in addition to mine.

Over the years there has been a significant increase of train traffic especially with the opening of the Jeffrey Energy Center. Blockage of our driveway became a common occurrence, with waits of up to an hour not unusual. This was happening for several reasons. Often long loaded coal trains would have too few engines to climb the grade to the power plant. The train would stall, lock up and not be able to move for any reason, emergency or otherwise. The situation would not be resolved until another passing train stopped to help. Additional engine(s) would have to unhook and supplement the coal train in it's effort to climb the hill.

A communications telephone box located one block north of our driveway caused additional problems. Northbound trains would pull onto the siding to allow other traffic to pass. While there was always room to stop before our driveway, they would choose to pull on north to use the phone box to talk to dispatchers, blocking the entrance to our ranch.

Both situations improved only after numerous phone calls and several demand letters from our attorney. The telephone box was moved to the edge of our driveway so that the train did not have to block the crossing to reach it. Trains do not get stalled on the Jeffrey grade any more. I suspect that increased traffic and the time wasted tying up two trains was not cost efficient for the railroad. Changes were probably made for this reason and not because of our complaints.

In the last few years there has been an increase of blockage incidents at the county road crossing. The UP has done away

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with cabooses and often fail to clear the crossing as they attempt to stop just past it. Often the engineers are unaware that they have blocked the crossing with the last few cars of their train. They are also much more reluctant to walk a mile from the engine to break the train. In the past it would have required only a short walk from the caboose. It needs to be noted that when, our crossing, or the county crossing is blocked our access to emergency services such as ambulance and fire from Onaga is also blocked.

When the school bus is blocked in the morning it makes every child on the route late to school. The most recent incident involving our school bus happened last week, Wednesday, February 13, 1991. I noticed that the school bus was twenty minutes late returning my children from school. I got in my car at 4:05 p.m. to find out why the bus was delayed. The bus was blocked by a train at the county road crossing one mile north of our driveway. The train blocked the crossing for twenty-five to thirty minutes before I could reach my children. After taking them off of the bus I drove back to my driveway. There I found the same train blocking our crossing. It had moved south, one-half to three-fourths of a mile, and stopped again. After waiting an additional thirty minutes I drove up the county road to where the engine was. I had to walk across a ditch and head high weeds to get to the engine. I asked the engineer how much longer it would be before they moved or if it was possible to break the train. He informed me that it would be ten minutes at most before they moved. I finally got my children home at 5:10 p.m..

A similar incident occurred at the beginning of the school year. School was dismissed early due to the extreme heat. The train was blocking the county road crossing again and after thirty minutes in 100 degree heat the school notified the parents. I drove to the crossing, walked one-half of a block down the tracks, crossed the tracks behind the train, walked one-half of a block back to the bus and retrieved my children. We then repeated this scenario to return to the car. My five year old was overheated at this point and was dehydrated. I started for home and upon reaching our driveway discovered that there was another train blocking that point of the tracks. At that point I had to drive a mile to the neighbors to get water for my children. It needs to be noted that the UP offices had been phoned by the school superintendent and were aware of this situation but did nothing to rectify it in a timely fashion. As there was no caboose on this train the brakeman would have had to walk approximately one mile in the heat to break the train. Apparently the brakeman had no desire to do this.

Over the years similar incidents have occurred but they are too numerous to mention. I would like to note two of the most serious. One winter in the early 1980's a part of a coal train with no engine attached was left blocking our driveway for over eight hours in sub-zero temperatures. Both my husband and I were caught away from home. A babysitter and my children were stranded at our home. Finally in desperation the babysitter drove her car with my children therein up to the crossing. She and I had to climb between two railroad cars and trade vehicles in order for both of us to get home. It was several more hours before the train was moved and my husband was able to get home. If any of my children would have needed medical attention that day or a fire would have occurred at our home we would have been totally helpless.

Another incident occurred while I was employed at Wamego City Hospital as a medical technologist. Wamego is a twenty-five mile drive from my home. I was on call and was called to work at four a.m. one morning. I was needed to cross match blood for an emergency C-section. I left my home and a train was blocking my driveway. I quickly returned home and phoned the UP dispatcher and apprised him of the situation. This was the only time I had ever asked for the train to be broken for an emergency. I could overhear the conversation of the dispatcher with the engineer. The engineer thought he would be moving soon and refused to break the train. I had to notify the hospital that I could not get in to work and another technologist had to be called in in my place.

I am strongly in favor of this bill because I feel that the UP will make few or no improvements with blockage of roads unless forced to do so. Thank you for your consideration and I will stand for questions at this time.

Nina Oakes



UNIFIED DISTRICT NO. 320

510 Highway 24 East
P.O. Box 26
WAMEGO, KANSAS 66547
PHONE (913) 456-7643

DR. NORRIS WIKA
Superintendent

February 18, 1991

Statement read by Tom Varnadore, transportation supervisor for Wamego USD 320. Mr. Varnadore relates an incident involving a Wamego bus driver, Colleen Weilert.

To Whom It May Concern:

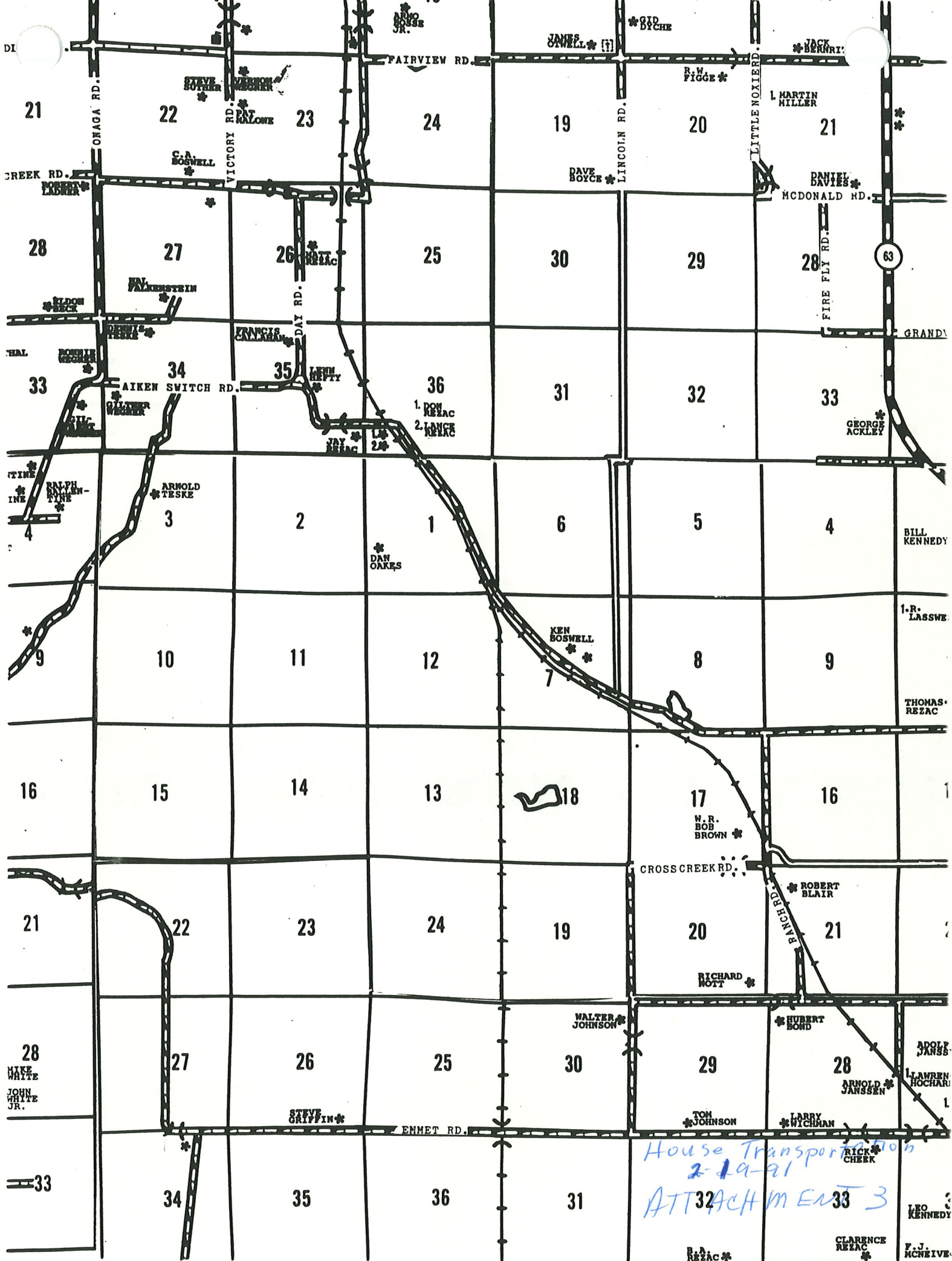
On August 29, 1991, I was driving bus number 28 for Unified School District 320. Because of the intense heat we had dismissed school at 1:00pm. At approximately 1:20pm I was driving North on River Bend Road. As we approached the railroad crossing a train was slowly traveling West. We stopped and waited for a very long train. Because of it's length I assumed it was stretched through Wamego blocking all crossings. When it stopped completely I thought it wouldn't be long since they were blocking the crossing. At approximately 1:50pm I saw bus number 27 driven by Tom Varnadore, transportation director, heading West to Wamego. I called him on the bus radio to get his advice. He radioed back that the train cars were unhooked and I could cross at Dutch Mill Road, which I could not see from where we were. To do this I had to back a 65 passenger bus with 28 students approximately 1/4 of a mile which is not advisable, but since the temperature was over 100 degrees in the bus and I transport a child with a severe medical problem, who was getting very upset, I asked an older student to watch while I backed up. With the heat and a bus load of children it could have caused real problems.

On Sept. 12, 1990, we received a letter from K.C. Packard, Supt. of Transportation Services apologizing for the inconvenience to the school district. He explains they were doing track maintenance and had a large piece of equipment break down.

In a statement written by Mr. Varnadore it was noted there were 14 cars West of the River Bank crossing where we were sitting. On the West end of the box cars there were two tenths of a mile before the crossing at Dutch Mill where I had to go to cross. There was plenty of room to disconnect without blocking any country roads. The crossing at River Band Road was blocked from approximately 1:20 to 2:58. Mr. Varnadore also visited with a train engineer after he got back to town. This gentleman did not seem very concerned about the problems they were causing.

Colleen Weilert
Bus Driver

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STATEMENT OF THE
STATE CORPORATION COMMISSION

Presented to the House Transportation Committee
February 19, 1991

House Bill No. 2165

Mr. Chairman and Members of the Committee:

My name is Jack Tierce. I am the Compliance Administrator of the Transportation Division, State Corporation Commission and the State Chairman for the Kansas Operation Lifesaver Program. The Corporation Commission would encourage the House Transportation Committee to respond favorably to the proposed changes in K.S.A. 66-273 and K.S.A. 66-274.

REGULATORY AUTHORITY CONCERNING
PUBLIC SAFETY

The State Corporation Commission exercises regulatory authority over railroads in Kansas. (Reference K.S.A. 66-1,216) Kansas Statute Annotated 66-1,223 mandates: "From time to time, the commission shall carefully examine and inspect the condition of each common carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience." Kansas has approximately 6,507 miles of track and 8,761 public grade crossings, which ranks Kansas third in the nation for total miles of track with Texas and Illinois ranked 1 and

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2, respectively. The commission also regulates motor carriers, utility companies, and companies producing oil. It enforces laws and regulations over these companies through the penalty provision in K.S.A. 66-138.

BACKGROUND INFORMATION

The Commission is presently investigating the blocking of three grade crossings in excess of ten minutes, one each in Shawnee, Jackson and Pottawattomie Counties. In the past, positive action has been initiated through showcause hearings to remove unsafe commercial motor vehicles from Kansas highways and prohibit railroads from blocking crossings in excess of ten minutes. After all else failed, the Commission has evoked penalties as provided in K.S.A. 66-138 numerous times against motor carriers and twice against railroads to enhance public safety. In the two orders assessing penalties against railroads, the two railroads did not challenge the authority of the Commission. During the present investigation a railroad has challenged the commission's authority. Motor carriers have not challenged and are not in the same position to utilize the same argument challenging the authority of the Commission.

LEGISLATIVE PROBLEM

During the present investigation the railroad has challenged the authority of the commission to assess a penalty pursuant to K.S.A. 66-274

& 66-138. It is the opinion of counsel that since K.S.A. 66-274 specifically addresses the penalty for violating K.S.A. 66-273; K.S.A. 66-138 cannot be used by the commission to enforce K.S.A. 66-273. The penalty in K.S.A. 66-274 enacted in 1903 establishing a fine of not less than \$5 nor more than \$25 is archaic. The cost of the paper work alone for enforcement would exceed the maximum fine excluding cost of manhours for prosecuting.

SAFETY AND CONVENIENCE

Kansas spends approximately \$5.3 million to provide active safety devices at grade crossings annually. Approximately 40% of all grade crossing accidents occur at crossings with active devices. Public safety is compromised by people who try to beat trains to the crossings or go around lowered gates in fear that they will be blocked by a train. Trains blocking crossings causes them to be late for work, late company deliveries and school children being late for school or going home. The commission chairs the Kansas Operation Lifesaver Committee which promotes grade crossing safety through enforcement, education and engineering. This committee is funded by Kansas railroads and is recognized nationally in grade crossing safety. Public safety and convenience is compromised by trains blocking crossings in excess of ten minutes.

ENFORCEMENT

Railroads presently have an operating rule which prohibits the blocking of crossings in excess of ten minutes. When railroads enforce their own regulations the need for state enforcement is rarely required, however that tool should be available for prodding railroad management to comply with their own regulations. The cause for blocking a crossing can be from inaction of a crew member, dispatcher, mechanical failure or management. It should be noted that the commission has not and will not initiate enforcement action for a mechanical failure, provided immediate remedial action is initiated. The primary responsibility for eliminating the blocking of crossings lies with railroad management. The commission does not exercise authority over railroad employees; only over railroad management with reference to public safety and convenience as provided by statute.

OTHER STATES PENALTIES

Missouri - has it under their traffic ordinance - the fine is not less than \$100, nor more than \$2,000 per day.

Iowa - penalty not less than \$100 nor more than \$500 for each violation in excess of ten minutes.

Illinois - if blocking occurs in excess of ten minutes, but less than 15

minutes the fine is not less than \$200 but not more than \$500.

For violations over 15 minutes but under 20 minutes the fine is \$500.

For violations over 20 minutes but less than 25 minutes the fine is \$700.

For violations over 25 minutes but less than 30 minutes the fine is \$900.

For violations over 30 minutes but under 35 minutes the fine is \$1,000.

If over 35 minutes the fine is \$1,000 plus an additional \$500 for each 5 minutes that the obstruction is in excess of twenty five minutes.

Illinois is relevant because they have substantial mileage of track in their State as does Kansas and this is the fine that they have developed.

CONCLUSION

The commission's desire is to reduce the number of times that trains block public grade crossings in excess of ten minutes. This legislation would eliminate the archaic fine level and provide the commission a tool to follow the legislative mandate to ensure public safety and convenience. It is only logical that railroads should be subject to the same penalty statute as that of small motor carriers, large utility companies and oil producing companies. The commission would request that the committee respond favorably.



TOPEKA

COMMITTEE ASSIGNMENTS
 CHAIRMAN: PENSIONS, INVESTMENTS AND BENEFITS
 VICE CHAIRMAN: AGRICULTURE
 MEMBER: ENERGY AND NATURAL RESOURCES
 TRANSPORTATION

DON M. REZAC
 REPRESENTATIVE, SIXTY-FIRST DISTRICT
 PARTS OF POTTAWATOMIE,
 WABAUNSEE, MARSHALL & LYON COUNTIES
 (913) 535-2961

HOUSE OF

REPRESENTATIVES

TESTIMONY ON HB 2165
 TRANSPORTATION COMMITTEE
 February 19, 1991

Mr. Chairman and Members of the Committee:

My name is Representative Don Rezac. I am here in support of HB 2165.

Today you have heard a lot about railroad crossings in my district. One of the crossings I am quite familiar with. This crossing is on Aiken Switch Road at MP 103. Aiken Switch Road is a blacktop road across pasture country between Hiway 63 and the Onaga Road. When the crossing at 103 is blocked by a train, it is at least a 20 mile trip around to the other side of the crossing. Emmett Fire District is responsible for all of St. Clair Township, and the fire trucks do have to cross this crossing to get to most destinations.

The people of the area contact me about this crossing being blocked. They call me day or night when they can't get across the road. I've tried to work with the sheriff, the KCC and the railroad in keeping this open. I have called the dispatcher several times when they were dispatching out of Kansas City. Currently they are in Omaha and I don't have that number; but I never did have much luck with them doing anything with the train to open the crossing.

The sad part of all this is currently Pottawatomie County does have 911, and you would think if someone would call 911 in case of an emergency that the sheriff could make a phone call to the dispatcher and the train would break or move, but this is not available. This is a real dangerous situation that we are being left with. It's one thing to wait a half hour on a train but it's something else if you know there's an accident and you have to get across the track. Currently you never know whether you're going to get across that crossing or not.

Lobbyist Patrick Hubbell was there and looked the situation over a week ago Saturday. I think he does see the problem. Someone needs to get the railroad's attention and keep this crossing open, and I hope this bill will give the KCC just a little more authority to do it. I don't think a \$1,000 fine is out of line when you go through the process of proving the railroad at fault.

I will be happy to answer questions.

DON M. REZAC

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On the evening of the 14th Feb 1999 I read Don Regan's column in the St. Mary Star concerning railway companies blocking the road.

On Feb 13, at approximately noon I went north to Cook's Crossing, crossed the tracks and went one mile east, to cut wood. From where I was cutting wood I could see the railroad tracks.

At approximately 12:15 pm a train was blocking the road. I had to drive three miles out of my way to drive home at 1:30 as the train was still blocking the road. I unloaded a pickup load of wood and at 2:00 pm I went back north to cut more wood. I had to go three miles out of my way again. I estimate the train was across the road $3\frac{1}{2}$ hours.

Much to my surprise, on Feb 14th I again went north to cut wood. The train was broken at Cook's Crossing. It stayed this way for about $1\frac{1}{2}$ hours.

We have had problems with trains ~~not~~ blocking the roadway

for many years, on a day to day basis. We have quite a lot of local traffic on the road and if we cannot get across the track it means a 3 or 4 to mile drive to get on the other side of the railroad tracks

I am very much in favor of a bill prohibiting these trains from blocking traffic on our road.

William F. Depies
Rt 1 Box 62
St Marys Mo 6653
Ph 437-2079

U.P. RAILROAD SUPERINTENDENT
KANSAS CITY KS
913-621-9333

KANSAS RAILROAD ASSOCIATION

800 JACKSON
SUITE 1120
TOPEKA, KANSAS 66612

PATRICK R. HUBBELL

913-357-3392

Statement of the Kansas Railroad Association

Presented to the House Committee
on Transportation
The Honorable Herman Dillon, Chairman

Statehouse
Topeka, Kansas
February 19, 1991

Mr. Chairman and Members of the Committee:

My name is Pat Hubbell. I appear here today representing the Kansas Railroad Association. Thank you for giving me the opportunity to express the position of the Kansas Railroad Association on House Bill 2165. Prior to 1973, K.S.A. 66-274, the statute proposed to be amended by House Bill 2165, read as follows:

"Any person or employee of any railway company or corporation operating a line of railroad in Kansas failing or neglecting to comply with the preceding section K.S.A. 66-273, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25)."

I assume that the penalty contained in the pre-1973 statute was being enforced or no effort would have been mobilized during the 1973 legislative session to amend the statute in the manner in which it was amended. We also assume that changes made in 1973 are not effectively controlling the conduct prohibited by K.S.A. 66-273 or House Bill 2165 would not have been proposed.

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My recommendation for a solution to controlling the conduct prohibited by K.S.A. 66-273 is contained in the attached amendment. The amendment would raise the maximum fine from \$25 to \$250 but it would leave the enforcement of the fine in the hands of the local ticketing authority who would ticket the railway company for violations. This proposed amendment does not in any way put the fine back on the train crew who might be operating a particular train in violation of K.S.A. 66-273, it merely increases the fine and sets out conditions "That no penalty shall be assessed for noncompliance with K.S.A. 66-273 if such noncompliance is due to equipment malfunction, operational requirements, sickness, injury, emergency or other unforeseeable circumstances beyond the control of the operating crew of such train, engine or cars.

Mr. Chairman, I will try to answer any questions which you or members of the Committee may have.

Thank you.

#

Sec. 2. K.S.A. 66-274 is hereby amended to read as follows: 66-274. Any railroad company or corporation operating a line of railroad in Kansas failing or negelecting to comply with the preceding section K.S.A. 66-273, and amendments thereto, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5) nor more than *two hundred fifty dollars (\$250)*: Provided, That no member of a railroad train, yard, or engine crew shall be held personally responsible or found guilty of violating any state laws or any municipal ordinances regulating or intended to regulate the occupying or blocking of any street, road or highway crossing at grade by trains or passenger or freight cars upon reasonable proof that his action was necessary due to circumstances beyond his control, or to comply with the order or instructions, either written or verbal, of his employer or his officers or supervisory officials: Provided further, That nothing in this section shall relieve the employer or railroad from any responsibility placed upon said employer or railroad by any such state law or any municipal ordinance. *That no penalty shall be assessed for noncompliance with K.S.A. 66-273 if such noncompliance is due to equipment malfunction, operational requirements, sickness, injury, emergency, or other unforeseeable circumstances beyond the control of the operating crew of such train, engine or cars.*

Striking lines 41 and 42.



TOPEKA

HOUSE OF REPRESENTATIVES

TESTIMONY - HB 2217

TRANSPORTATION COMMITTEE

February 19, 1991

NANCY BROWN
REPRESENTATIVE, 27TH DISTRICT
15429 OVERBROOK LANE
STANLEY, KANSAS 66224-9744
TOPEKA: (913) 296-7696
STANLEY: (913) 897-3186

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: LOCAL GOVERNMENT
MEMBER: GOVERNMENTAL ORGANIZATION
INSURANCE
CHAIRMAN, COMMUNITY DEVELOPMENT
BLOCK GRANT ADVISORY COMMITTEE
MEMBER, STATE EMERGENCY RESPONSE
COMMISSION

THANK YOU MR. CHAIRMAN, AND MEMBERS OF THE COMMITTEE, FOR HOLDING HEARINGS ON HB 2217 WHICH IS AN ACT PROHIBITING PERSONS FROM UNLAWFULLY RIDING ON VEHICLES. SPECIFICALLY THE BILL STATES "IT SHALL BE UNLAWFUL FOR THE OPERATOR OF ANY VEHICLE TO ALLOW ANY PERSON UNDER THE AGE OF 16 YEARS TO RIDE ON ANY VEHICLE OR UPON ANY PORTION THEREOF NOT DESIGNED OR INTENDED FOR THE USE OF PASSENGERS WHEN THE VEHICLE IS IN MOTION."

FOR THOSE OF YOU WHO ARE IMMEDIATELY UNCOMFORTABLE, THINKING OF FARM VEHICLES, OR EMPLOYEES, THE BILL STATES THAT "THIS SECTION SHALL NOT APPLY TO AN EMPLOYEE UNDER THE AGE OF 16 YEARS ENGAGED IN THE NECESSARY DISCHARGE OF THE EMPLOYEE'S DUTY WITHIN TRUCK BODIES IN SPACE INTENDED FOR MERCHANDISE." IT THIS LANGUAGE IS NOT SUFFICIENT TO ADDRESS THE CONCERNS, I WOULD ENCOURAGE THE COMMITTEE TO CONSIDER LANGUAGE THAT DOES SO. RATHER THAN KILL THE BILL.

WHY AM I INVOLVED IN THE SPONSORSHIP OF SUCH A BILL? QUITE SIMPLY FOR SAFETY FACTORS. ANYONE WHO HAS A FRIEND OR LOVED ONE INJURED IN A ACCIDENT INVOLVING AN OPEN VEHICLE CAN UNDERSTAND WHAT I AM ATTEMPTING TO DO. . . AND EVEN THOSE WHO DO NOT HAVE SEEN YOUNG

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CHILDREN WANDERING AROUND IN A TRUCK BED ON THE HIGHWAY, HAVE HEARD OF STORIES OF YOUNG PEOPLE FALLING OFF THE TRUCK AND NOT EVEN BEING MISSED UNTIL MUCH LATER. AS A PARENT OF TWO TEENAGERS, I ALSO AM WELL AWARE OF THE MANY JEEPS IN JOHNSON COUNTY WITH ROLL BARS AND FAR TOO MANY KIDS HANGING ON FOR DEAR LIFE AS THE DRIVER BARELY MAKES IT AROUND THE CORNER.

TO RESPOND TO SOME QUESTIONS IN ADVANCE: KANSAS HAS NO LAW PROHIBITING PEOPLE FROM RIDING IN OPEN CARGO AREAS OF A PICKUP TRUCK, NOR ARE THERE FEDERAL REGULATIONS ADDRESSING THIS CONCERN. I DO HAVE COPIES OF STATUTES FROM CALIFORNIA, COLORADO, DELAWARE, NEVADA, AND NEW YORK WHICH ADDRESS SIMILAR CONCERNS ABOUT RIDING IN VEHICLES.

CALIFORNIA LAW DOES NOT APPLY TO "PARADES, CARAVANS, OR EXHIBITIONS WHICH ARE OFFICIALLY AUTHORIZED OR OTHERWISE PERMITTED BY LAW." NEW YORK LAW ADDRESSES "CLINGING TO A VEHICLE". NEVADA ADOPTED SIMILAR LANGUAGE TO WHAT APPEARS IN THE KANSAS BILL.

I HAVE A REPORT FROM THE NATIONAL TRANSPORTATION SAFETY BOARD, ALONG WITH STATISTICS FROM KDOT WHICH MIGHT BE REVEALING. NTST DID A SPECIAL STUDY ON THE FATALITIES AND INJURIES ASSOCIATED WITH RIDING IN CARGO AREAS OF PICKUP TRUCKS, COMPLETE WITH RATHER GRAPHIC PICTURES OF THE VEHICLES. SINCE WE ARE ALL INUNDATED WITH PAPER, I AM NOT COPYING AND DISTRIBUTING THE INFORMATION BUT WOULD LIKE TO SHARE VERY QUICKLY PORTIONS OF THE REPORT.

IF ANY OF YOU WOULD LIKE COPIES OF THIS INFORMATION, HAVE MADE ONE COPY FOR THE COMMITTEE AND WILL HAVE ONE IN MY FILES. PLEASE FEEL FREE TO CONTACT ME OR THE COMMITTEE SECRETARY.



NATIONAL TRANSPORTATION SAFETY BOARD

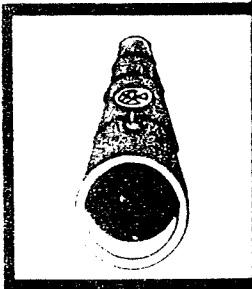
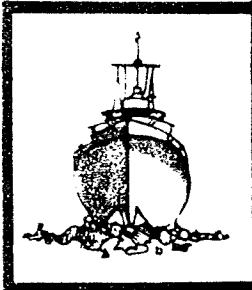
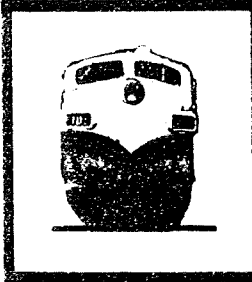
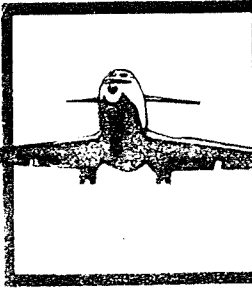
WASHINGTON, D.C. 20594

SPECIAL STUDY

**FATALITIES AND INJURIES
ASSOCIATED WITH
RIDING IN CARGO AREAS
OF PICKUP TRUCKS**

NTSB-HSS-81-2

UNITED STATES GOVERNMENT



TECHNICAL REPORT DOCUMENTATION PAGE

1. Report No. NTSB-HSS-81-2		2. Government Accession No. PB82-115593		3. Recipient's Catalog No.	
4. Title and Subtitle Special Study—Fatalities and Injuries Associated With Riding In Cargo Areas Of Pickup Trucks				5. Report Date September 9, 1981	
				6. Performing Organization Code	
7. Author(s)				8. Performing Organization Report No.	
9. Performing Organization Name and Address National Transportation Safety Board Bureau of Technology Washington, D.C. 20594				10. Work Unit No. 3150A	
				11. Contract or Grant No.	
12. Sponsoring Agency Name and Address NATIONAL TRANSPORTATION SAFETY BOARD Washington, D. C. 20594				13. Type of Report and Period Covered Special Study	
				14. Sponsoring Agency Code	
15. Supplementary Notes The subject report was distributed to NTSB mailing lists: 8A, 8C and 16.					
16. Abstract An average of 242 persons were killed each year from 1975 through 1979 in accidents while riding in the cargo areas of pickup trucks, according to data from the National Highway Traffic Safety Administration's (NHTSA) Fatal Accident Reporting System (FARS). In 1979, the Safety Board investigated an accident involving a compact pickup truck in which the driver and three persons were riding in the cab and eight persons were in the open-cargo area of the truck. The driver failed to negotiate a curve and the truck ran off the road and overturned. Seven persons in the cargo area were killed. As a result of its investigation of this accident, the Safety Board recommended that the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) establish model guidelines for prohibiting passengers from riding in open cargo areas of most vehicles. The NCUTLO had considered model guidelines on a broader scale in 1975, but because of several complications, the proposal was rejected. This study was made to demonstrate further the need for model guidelines prohibiting passengers from riding in the cargo area of a vehicle, and to make available information about the dangers to passengers riding in the open cargo area of a vehicle. Recommendations are made to the NCUTLO, the National Highway Traffic Safety Administration, the Insurance for Highway Safety, the Motor Vehicle Manufacturers Association, the National Safety Council, Automobile Importers of America, the National Safety Council and to the Governors of the 50 States.					
17. Key Words model guidelines, pickup truck accidents, model laws, open cargo areas.				18. Distribution Statement This document is available to the public through the National Technical Information Service—Springfield, Virginia 22161 (Always refer to number listed in item 2)	
19. Security Classification (of this report) UNCLASSIFIED		20. Security Classification (of this page) UNCLASSIFIED		21. No. of Pages 21	22. Price

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NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C. 20594

SPECIAL STUDY

Adopted: September 9, 1981

FATALITIES AND INJURIES ASSOCIATED WITH
RIDING IN CARGO AREAS OF PICKUP TRUCKS

INTRODUCTION

An average of 242 persons were killed each year from 1975 through 1979 in accidents while riding in the cargo areas of pickup trucks, ^{1/} according to data from the National Highway Traffic Safety Administration's (NHTSA) Fatal Accident Reporting System (FARS). In addition, an average of 167 persons suffered incapacitating injuries and 142 persons received nonincapacitating injuries each year.

In 1979, the Safety Board investigated an accident involving a compact pickup truck in which the driver and three persons were riding in the cab and eight persons were in the open cargo area of the truck. The driver failed to negotiate a curve and the truck ran off the road and overturned. Seven persons in the cargo area were killed.

As a result of its investigation of this accident, the Safety Board recommended that the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) establish model guidelines for prohibiting passengers from riding in open cargo areas of most vehicles. The NCUTLO had considered model guidelines on a broader scale in 1975, but because of several complications, the proposal was rejected. The NCUTLO has not yet acted to implement the Safety Board's recommendation because of a lack of funds.

This study was made to demonstrate further the need for model guidelines prohibiting passengers from riding in the cargo area of a vehicle, and to make available information about the dangers to passengers riding in the open cargo area of a vehicle. This study analyzes 1975 through 1979 FARS data, additional Safety Board accident investigations, one investigation by a State agency, and other accidents.

ACCIDENTS

On April 23, 1979, near Crofton, Maryland, a compact pickup truck, occupied by the driver, three other persons in the cab, and eight persons in the open cargo area, went out of control on a curve, ran off the road, and struck three trees located about 7 feet from the edge of the pavement. After striking the trees, the truck was redirected back onto the pavement and came to rest upside down. (See figure 1.) The ages of the occupants ranged from 14 to 19 years. ^{2/} The three passengers in the cab and seven persons in the cargo area were killed. One passenger survived but was injured seriously; the driver received minor injuries.

^{1/} Includes all pickup trucks, with or without caps, campers, stake, and small dump bodies.
^{2/} For more detailed information, read Highway Accident Report--"Ford Courier Pickup Truck, Fixed Object Collision, Patuxent Road, Near Crofton, Maryland, April 23, 1979" (NTSB-HAR-79-6).



Figure 1.--Pickup truck in which 10 of the 11 passengers were fatally injured.

The surviving passenger said that the driver was operating "way in excess" of the 25- to 35-mph posted speed limit at the time of the accident. Testimony revealed that the driver and others in the group had bought and consumed beer and a quart of premixed cocktail drink earlier in the day. Later, witnesses saw the driver smoke marijuana. The driver and his friends purchased a bottle of bourbon and two six-packs of beer and were traveling to a local park to have a party when the accident occurred.

A similar accident occurred in July 1980 in Virginia. According to the investigation of a crash team of the Virginia Department of Transportation Safety, a pickup truck transporting a driver and three passengers in the cab and six persons in the open cargo area was proceeding on an acceleration ramp to enter an interstate highway when the left rear tire rapidly deflated (blew out). The truck started to fishtail, which caused the driver to lose control. The truck rolled over to its right and flipped over, ejecting the six passengers from the cargo area. Five persons landed in the eastbound lane against the concrete median barrier, and the sixth person was ejected over the barrier into the westbound lane. The vehicle completed one rollover and landed on top of the barrier. The rear differential caught the barrier; the vehicle flipped again, landing on its top in the roadway, and skidded into the westbound lane. (See figure 2.) One of the persons thrown into the eastbound lane suffered fatal head and internal injuries. The remaining ejectees were treated for injuries and released from hospitals. Three of the four passengers who remained in the cab suffered skull fractures. The persons involved were from 17 to 19 years old.

Before the accident, the occupants of the truck, a four-wheel drive vehicle with a modified suspension, had spent the evening socializing and "riding around." The group had consumed three or four cases of beer and one of the persons had some marijuana. The group had decided to buy more beer, which they could not do in Virginia after midnight, and were on their way to Maryland, where beer is sold until 2 a.m., when the accident happened.

The investigation determined that the oversized tires that raised the vehicle suspension contributed to the vehicle's overturning.

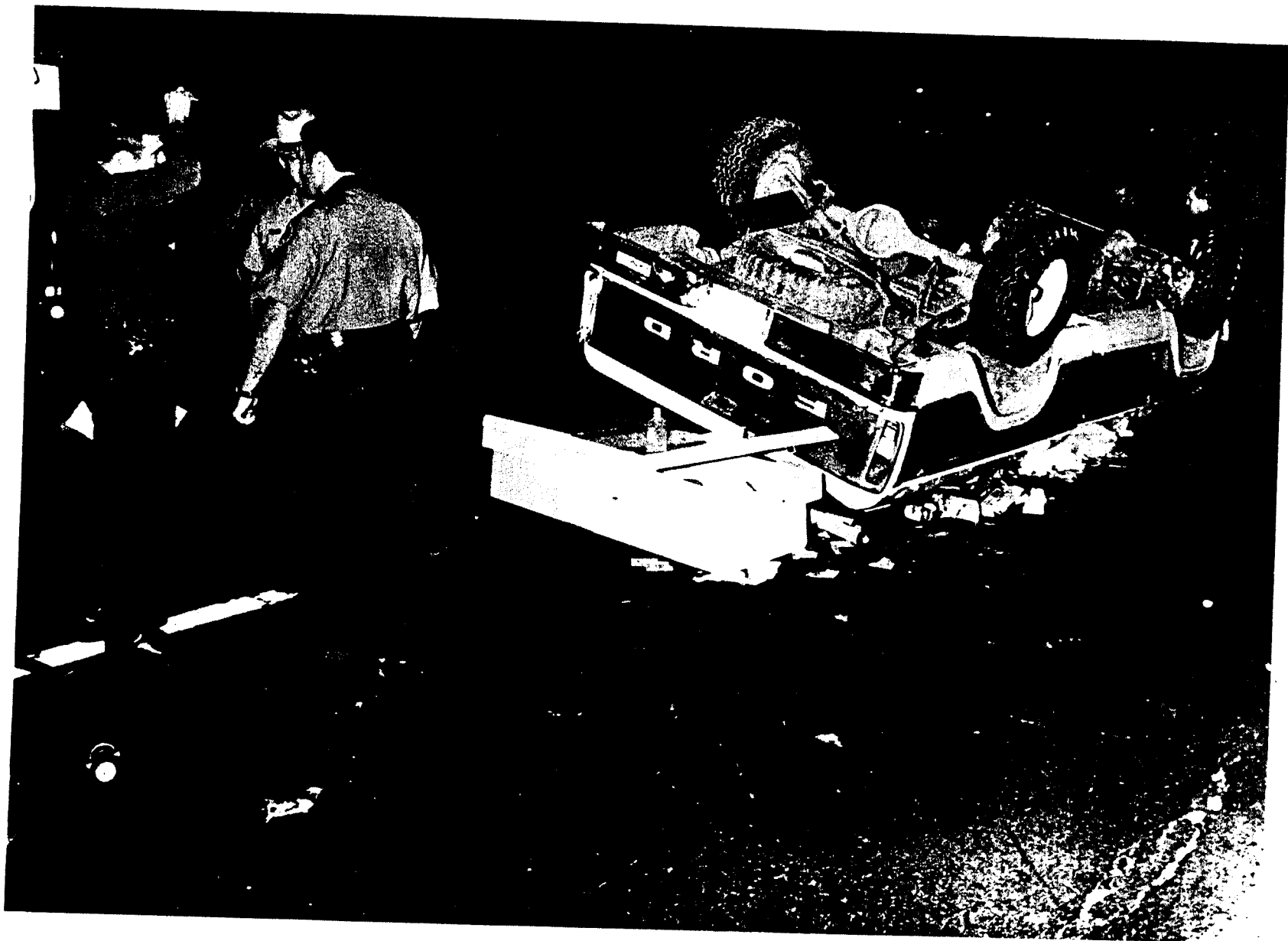
On April 14, 1981, the Safety Board investigated an accident in Arcata, California, involving 10 teenagers going to the beach in a pickup truck. The driver and a passenger were in the cab and eight persons were in the open cargo area. The truck was traveling at about 55 mph in the right lane of a four-lane, divided highway. As the driver changed lanes, he abruptly turned the steering wheel back to the right because he thought he was too close to the raised concrete divider between the eastbound and westbound lanes. The truck overturned onto its left side, ejecting all eight passengers from the cargo area onto the roadway, shoulder, and surrounding surface area. The vehicle slid off the roadway, went down an embankment, and came to rest on its top. (See figure 3.)

The driver sustained moderate injuries and the cab passenger suffered a compound fracture of an arm and multiple lacerations. One person in the cargo area died from head injuries, three persons sustained skull fractures, one person had a 2-inch laceration to the scalp and multiple abrasions to the right hand, one person received minor injuries, and two persons were not injured.

There was no evidence of alcohol or drug involvement in this accident.

On April 29, 1981, the Safety Board investigated an accident in Los Angeles, California, involving a pickup truck transporting the driver and a passenger in the cab and 10 persons in the open cargo area to the beach. The persons ranged in age from 4 to 17. The pickup truck was traveling at 55 mph in the passing lane of a five-lane interstate

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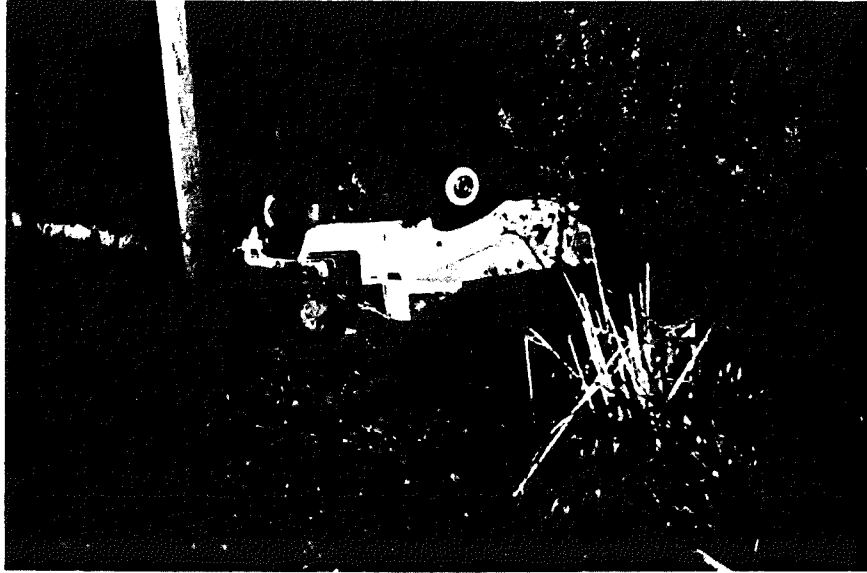


Figure 3.--Pickup truck in Arcata, California accident.

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highway when the driver saw a board in the roadway and swerved to avoid hitting it. As the truck swerved sharply to the right, the rear of the vehicle swung wide to the right and tilted, ejecting all 10 persons from the cargo area onto the road. The pickup truck then overturned and returned to an upright position as it continued back across the traffic lanes where it struck a concrete center divider and a stationary moped. (See figure 4.)

The operator of the moped suffered minor injuries. The driver and cab passenger were not ejected and sustained minor injuries. One of the persons in the cargo area was killed, two persons were seriously injured, and the other persons received minor injuries.

There was no evidence of alcohol or drug involvement in the accident. The driver of the truck stated that she could not control the vehicle because of the shifting weight of the occupants in the cargo area.

On July 28, 1981, the Safety Board investigated an accident in Leawood, Kansas, involving four 16-year-olds driving around for pleasure in a pickup truck. The driver and a passenger were in the cab and two persons were in the open cargo area. As the pickup truck proceeded down a steep hill, it began to gain speed. As it started up the next hill after traveling through a slight left curve, the vehicle went out of control. It left the right side of the road, came back on the road, then proceeded off the left side of the road. The vehicle then struck a tree 54 feet from the curb. After it struck the tree, the vehicle rolled over onto its top. The two occupants in the back of the pickup were ejected; one was fatally injured and the other received minor injuries. The driver was not ejected and sustained moderate injuries. The right-front passenger also was not ejected and suffered minor bruises. The survivor who had been riding in the cargo area said that he thought the passenger who was killed had been thrown against the rear windshield during the accident. There was no observed evidence of alcohol involvement in this accident.

On March 10, 1980, in Milford, Massachusetts, a pickup truck carrying a driver and two passengers in the cab and six persons in the open cargo area crashed into two houses and disintegrated. The impact threw the teenaged passengers as far as 50 feet into the street. One person was killed, one person received severe head injuries, and the other persons received severe ear, head, and facial lacerations. It was undetermined that the person killed was riding in the rear cargo area.

The result of a similar accident was discussed by a hospital emergency room nurse in a newspaper's advice column: "Within a few minutes we saw seven little ones -- from 3 to 8 years of age -- necks and backs broken, bodies mangled, bloodied from head to foot". ^{3/}The youngsters had been riding in the open cargo area of a pickup truck on their way to a birthday party when the truck was struck from behind by another vehicle driven by a drunken driver. The nurse asked the newspaper readers never to allow their children to ride in the open area of a truck.

FATAL ACCIDENT DATA

Fatal accident data from the Fatal Accident Reporting System (FARS) ^{4/} files of the National Highway Traffic Safety Administration (NHTSA) were analyzed to determine characteristics of the fatalities and injuries associated with riding in the cargo area or on the exterior (roof, hood, fender, etc.) of a pickup truck.

^{3/} Washington Post, November 14, 1980, p. D10.

^{4/} The FARS is a census of fatal accidents occurring in the 50 States, District of Columbia, and Puerto Rico. The data are drawn from numerous sources including police reports, State driver license files, motor vehicle registration files, highway department files, and vital statistics files.

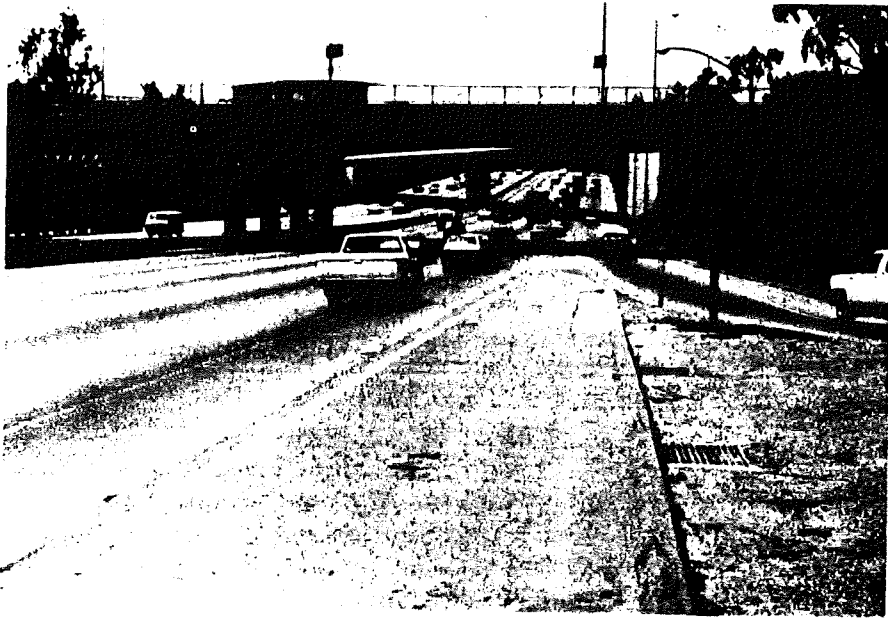


Figure 4.--Pickup truck involved in Los Angeles, California, accident (top) and accident site (bottom).

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A comparison of fatalities by seating positions in the vehicle is shown in table 1. Except for fatal drivers traveling alone (46.6 percent) passengers traveling in the cargo area comprise the largest category of fatalities.

Table 1--Fatalities in pickup trucks by seating positions.

	<u>Total</u>	<u>Fatalities</u>	<u>Percentage of Fatalities</u>
Drivers (no passengers)	23,134	10,787	46.6
Drivers (with passengers)	15,860	4,761	30.0
Cab Passengers	19,373	5,211	27.0
Exterior Passengers	3,395	1,212 ^{1/}	35.7
Unknown	2,357	747	31.7

^{1/} For 1975-1975 FARS data, it was possible to identify 214 fatalities out of 1,212 who fell out of the cargo area or off the vehicle exterior.

Table 2 shows the yearly fatalities and injuries that resulted from this type of accident. These figures may be higher because the seating positions of a yearly average of 149 occupants who became fatalities and 147 occupants who suffered incapacitating injuries are unknown. (See table 3.)

Table 2--Fatalities and injuries of exterior passengers by year.

<u>Injury</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>Total</u>
Fatal	213	241	259	229	270	1,212 ^{1/}
Incapacitating	167	150	190	159	171	837
Non-incapacitating						
evident	118	130	140	165	160	713
Possible	49	99	64	68	60	340
None	154	125				279
Unknown		1	5	7	1	14
Total	<u>701</u>	<u>746</u>	<u>658</u>	<u>628</u>	<u>662</u>	<u>3,395 ^{2/}</u>

^{1/} For 1975-1975 FARS data, it was possible to identify 214 fatalities out of 1,212 who fell out of the cargo area or off the vehicle exterior.

^{2/} This total reflects all passengers for whom data forms were submitted. There were 2,142 uninjured passengers for whom data forms were not submitted.

Table 3--Fatalities and injuries of occupants where seating position is unknown.

<u>Injury</u>	
Fatal	747
Incapacitating	739
Non-incapacitating	
evident	560
Possible	202
Injured, severity unknown	9
None	96
Unknown	4
Total	<u>2,357</u>

The ages of the occupants riding in the open cargo area or on the vehicle exterior who became fatalities are shown in table 4. Almost 70 percent of these persons were age 22 or younger. Also, the age 22 and younger passengers suffered 77.3 percent of the incapacitating injuries.

Table 5 shows the number of fatal accidents based on the first collision event in the crash sequence. There were 4,645 fatal accidents in which occupants either were involved in an overturn crash or fell from the vehicle.

Table 4—Fatalities and injuries of cargo area passengers by age.

<u>Age</u>	<u>Total Passengers</u>	<u>Fatalities</u>	<u>Cumulative Percentage</u>	<u>Incapacitating Injuries</u>	<u>Cumulative Percentag</u>
Under 16	1,511	445	36.7	377	45.0
16	221	69	42.4	70	53.4
17	206	73	48.4	52	59.6
18	160	71	54.3	38	64.2
19	163	62	59.4	46	69.7
20	95	40	62.7	21	72.2
21	124	49	66.7	23	74.9
22	84	35	69.6	20	77.3
23	66	32	72.3	14	79.0
24	63	22	74.1	11	80.3
25-29	170	80	81.4	41	85.2
30-34	113	54	85.1	25	88.2
35-39	81	33	87.9	18	90.3
40-44	63	28	90.6	17	92.3
45-49	55	32	92.8	11	93.7
50-54	41	20	94.5	11	94.9
55-59	32	17	95.9	7	95.8
60-64	16	12	96.9	2	96.1
65-69	11	7	97.4	2	96.3
70 and over	21	15	98.7	4	96.8
Unknown	99	16	100.0	27	100.0
Total	<u>3,395</u>	<u>1,212</u> 1/		<u>837</u>	

Table 5--Fatal accidents involving pickup trucks by first event.

<u>First Event</u>	<u>Fatal Accidents</u>	
	<u>Total</u>	<u>Percentage</u>
Collision with motor vehicle	19,227	51.4
Collision with pedestrian	4,383	11.7
Collision with fixed object	6,992	18.7
Noncollision overturn	3,931	10.5
Noncollision passenger fell from vehicle	714	2.0
Other	<u>2,148</u>	<u>5.7</u>
Total	<u>37,395</u>	<u>100.0</u>

1/ For 1975-1975 FARS data, it was possible to identify 214 fatalities out of 1,212 who fell out of the cargo area or off the vehicle exterior.

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In addition, the FARS data show that 70 percent of the fatal accidents occurred on the straight sections of roads.

Table 6 shows the locations at the time of an accident of fatally injured persons who were ejected. As can be seen, persons riding outside the vehicle experienced a higher percentage of fatalities. This is not surprising since passengers who ride outside the cab have neither structural protection nor restraint systems in case of an accident. Occupants in the vehicle have available restraints for protection if they choose to use them. However, the FARS data reveal that only 2 percent of all the drivers and only 1.37 percent of all the cab passengers were known to have used restraints. The 1979 FARS data show that 28.7 percent of the occupants who used restraints became fatalities while 42.1 percent who did not use them became fatalities. For 37.9 percent of the occupants, restraint use was unknown.

Table 6--Fatalities by riding position.

	<u>Percentage of Fatalities</u>			
	<u>Not ejected</u>	<u>Totally ejected</u>	<u>Partially ejected</u>	<u>Unknown</u>
Drivers	56.6	27.1	4.7	11.6
Cab Passengers	51.4	34.9	4.0	9.7
Exterior passengers	45.8	47.4	0.5	6.3
Unknown	37.8	37.9	1.3	23.0

Table 7 shows the number of fatalities by State. Only one State, Vermont, has not had a fatality as a result of this type of accident.

HAZARDS OF RIDING IN AN OPEN CARGO AREA

To define more accurately the hazards created by passengers riding in the cargo area of pickup trucks, the Safety Board first reviewed accident data to determine what type of person becomes a victim as a result of this practice. The FARS data show that each year an average of 242 passengers become fatalities and 167 suffer incapacitating injuries. As shown in table 4, almost 70 percent of the victims are 22 or younger. The four accident case studies previously cited in this study involved drivers and passengers who were 19 or younger. Young people often gather in groups for transportation to social or sporting events or on pleasure trips. A pickup truck can accommodate and transport a larger number of persons at one time than an automobile when the cargo area is used. In the accidents cited, the average number of persons in the rear cargo areas was eight.

It should be noted that fatal and/or serious injuries are not necessarily accompanied by catastrophic damage to the vehicle involved. In the Los Angeles accident, the truck sustained minor damage yet one person in the cargo area was killed and two were seriously injured.

Vehicle Handling

A hazard associated with carrying occupants in the cargo area is the effect of the load on vehicle handling. Since passengers in the rear are unrestrained, they are free to move around or ride on the fenders, hood, roof, or edge of the cargo enclosure. Passenger movements can affect vehicle handling performance because they can result in a shifting of weight or a sudden change in the vehicle's center of gravity. Normal cargo or hard goods usually are tied down or secured to the cargo bed in some way to

Table 7--Fatalities by States.

*KANSAS
23rd highest fatality rate*

<u>State</u>	<u>Fatalities</u>
Alabama	13
Alaska	6
Arizona	67
Arkansas	16
California	170
Colorado	34
Connecticut	5
Delaware	1
Florida	77
Georgia	31
Hawaii	7
Idaho	6
Illinois	26
Indiana	10
Iowa	18
Kansas	18
Kentucky	20
Louisiana	25
Maine	7
Maryland	13
Massachusetts	7
Michigan	27
Minnesota	11
Mississippi	17
Missouri	34
Montana	15
Nebraska	10
Nevada	16
New Hampshire	5
New Jersey	10
New Mexico	49
New York	28
North Carolina	32
North Dakota	3
Ohio	19
Oklahoma	19
Oregon	26
Pennsylvania	30
Rhode Island	1
South Carolina	23
South Dakota	6
Tennessee	20
Texas	139
Utah	19
Vermont	--
Virginia	17
Washington	21
West Virginia	15
Wyoming	10
Total	1,212 ^{1/}

^{1/} For 1975-1975 FARS data, it was possible to identify 214 fatalities out of 1,212 who fell out of the cargo area or off the vehicle exterior.

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alleviate these problems. For example, in the Los Angeles accident, the driver of the pickup truck stated that after she swerved to avoid a board in the road, she could not control the vehicle because of the shifting weight of the persons in the cargo area. In the Virginia accident, the cargo area occupants were thrown about as the vehicle "fishtailed" after the tire blew out. The shifting weight of the occupants and the vehicle's raised center of gravity from an altered rear suspension contributed to the inability of the driver to control the vehicle after the tire blew out.

Lack of Occupant Protection

The most obvious and dangerous hazard associated with riding in the open cargo area is the lack of occupant protection. There is no surrounding structure to protect passengers in the event of a rollover. Federal Motor Vehicle Safety Standard 208 (49 CFR 571.208) requires manufacturers to install occupant restraints only at each designated seating position, and there are no designated seating positions in the area. When the vehicle overturns or gyrates violently, the unrestrained passengers can be thrown out or injured. The FARS data show that 10.5 percent (3,931) of the fatal accidents involving pickup trucks were overturn accidents.

The lack of occupant restraints can also result in serious, if not fatal injury, even if the vehicle does not turn over. Depending on the type of crash, the occupants in the cargo area can be propelled to the front or rear or from side to side and collide with other occupants or the side metal walls of the vehicle cargo area. The FARS data revealed that 43 percent (3,864) of the fatalities and 50 percent (4,132) of the incapacitating injuries occurred in head-on crashes and 37 percent (3,306) of the fatalities and 36 percent (3,114) of the incapacitating injuries occurred in angle collisions.

The use of occupant restraints that are installed to the metal floor and side walls of the cargo area, without accompanying seats to absorb crash forces, would probably cause serious if not fatal injury. The installation of seats, of course, would defeat the purpose of a cargo-type vehicle.

Persons ejected from the cargo area are likely to strike a hard surface such as pavement, barriers, or trees. Also, since the FARS data show that 70 percent of the pickup truck accidents occur on the road, it is likely that those ejected will be run over by following vehicles. In the Virginia accident cited in this study, passengers who were ejected onto the main roadway would have been run over except for the expert driving of several professional truckdrivers who were able to steer around them.

Of the accidents investigated by the Safety Board and the State of Virginia in which the vehicles overturned, the fatality ratio of passengers in the open cargo to those in the cab was almost 4 to 1.

Cargo tops or roofs, which are usually purchased and installed by a vehicle owner, may prevent ejection but probably would not offer much protection against injury. They are usually constructed of aluminum or fiberglass and are attached to the side rails of the cargo bed with bolts. The tops serve to protect the cargo area from rain, snow, and wind. Even if the vehicles involved in the accidents cited in this study had had cargo tops, the Safety Board believes that they would not have offered substantial protection to the occupants of the cargo area. Data were not available to permit an assessment of these tops in the accident environment.

ACCIDENT COUNTERMEASURES

Fatalities and injuries resulting from riding in the open cargo area of pickup trucks involve a system composed of a driver, a vehicle, and the passengers. The States and various safety-oriented organizations need to direct countermeasures at all these elements of the system.

State Laws

Every State except one reported fatalities resulting from passengers riding in the cargo area of pickup trucks. Fourteen States had 25 or more fatalities, California had 170 fatalities, and Texas had 139. Since the number of fatalities in each State is related to the number of people and vehicles in that State, local weather, vehicle mileage, etc., comparisons between States are not meaningful without data to permit the establishment of rates. It is apparent, however, that this type of accident occurs almost everywhere in the United States. Therefore, each State should be concerned with corrective measures to eliminate such accidents.

The accidents discussed in this study occurred in California, Maryland, Massachusetts, Virginia, and Nebraska. Of these States, only California has a law pertaining to unlawful riding, 10/ which states:

- (a) No person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.
- (b) No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.
- (c) Subdivisions (a) and (b) shall not apply to any employee engaged in the necessary discharge of his duty or in the case of persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

A New Jersey statute 11/ states that:

No person shall ride on, and no operator shall knowingly allow a person to ride on, a street car or vehicle, or on a portion thereof not designed or intended for the conveyance of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty.

These and other State laws on this subject exclude passengers engaged in a work activity from the unlawful riding prohibition. The Safety Board recognizes the need for this exception and consequently has directed its recommendation to nonwork-related occupants. However, the Board still does not believe that the transporting of large numbers of workers in open cargo type vehicles to job sites is advisable. Where the law is precise and nonwork-related passengers are excluded from riding in the cargo areas, there may be no need for revision of such a law.

10/ West's Annotated California Codes, Vehicle Code Sections 16000 to 22449, Official California Vehicle Code Classification, Vol. 66A, Section 21712, p. 486; West Publishing Co., St. Paul, Minnesota, 1971.

11/ New Jersey Statutes Annotated, Title 39, Motor Vehicles and Traffic regulation, 39:1 to 39.5D; Section 39:4-69, p. 359; West Publishing Co., St. Paul, Minnesota.

However, there are two problems noted by the Safety Board. First, where no law exists to prevent nonwork-related passengers from riding in the cargo area, the Safety Board would urge the enactment of such a law. Second, some States may need to revise existing laws in order to remove possible ambiguous interpretations. The California law in fact allows riding in the cargo area (see part c). Also, the New Jersey statute can be interpreted either to allow passengers to ride in the cargo areas or to prohibit riding in the rear cargo area. It is not clear whether the cargo area is considered a prohibited area under this law.

The New York law, 12/ while allowing passengers to ride in cargo areas, is more definitive concerning the safety aspects of such riding:

1. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, for a distance in excess of five miles, while there is standing therein or thereon any person or persons in excess of one-third of the number of persons therein or thereon:
 - a) Unless suitable seats are securely attached to the body of such auto truck;
 - b) Unless side racks of at least three feet in height above the floor of such auto truck are securely attached; and
 - c) Unless it shall have attached thereto a tail board or tailgate which is securely closed.

The provisions of this subdivision shall not apply to persons or corporations operating an agency or agencies for public service, who or which are subject to the jurisdiction, supervision, and regulations prescribed by or pursuant to the public service law nor to their agents or employees when engaged in the business of such persons or corporations.

2. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, in excess of five miles, while there are in excess of five persons under eighteen years of age in the body of such truck unless at least one person over eighteen years of age also rides in the body of said truck.

This law restricts travel distance, standing, suitable seats, the height of side racks, the tailgate, and the number of persons by age. However, it still allows passengers to ride in the cargo area under other circumstances.

The National Committee on Uniform Traffic Laws and Ordinances in 1975 identified six States which ban riding on any part of a vehicle that is not designed or intended for passenger use. Eleven states prohibit riding on the outside part of a vehicle such as the running board, fender, hood, top, bumper, etc.

12/ McKinney's Consolidated Laws of New York, Annotated; Section 1222, p. 248, Book 62A, Edward Thompson, Brooklyn, New York, 1970. See also 1981 Pocket Supplement for change to number 2, p. 81.

Model Legislative Guidelines

Following its investigation of the Crofton, Maryland, accident, the Safety Board determined that model guidelines might assist States in formulating legislation which would control the use of cargo areas of vehicles for passenger conveyance. Accordingly, the Safety Board recommended on September 6, 1979, that the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO):

Establish model guidelines for prohibiting passengers from riding in open-cargo areas of vehicles that are not being used for work-related purposes. (H-79-40)

Since the Board's recommendation was made after the NCUTLO's last full meeting in August 1979, it could not be acted on. The NCUTLO subcommittee on traffic operations was to meet in February 1981 and determine whether the Board's recommendation would be put on the agenda for the NCUTLO's next full meeting in August 1981. These meetings were never held because of budget constraints. ^{13/} The subcommittee may meet in the fall of 1981 and again consider placing the Board's recommendation on the agenda in preparation for a full meeting in August 1982.

In 1979, the Administrative Committee of the NCUTLO authorized its staff to write a model law regarding riding in the cargo area of pickup trucks and have the model law voted upon by the full committee by mail ballot. When adopted, the model law would be made available to the States in a much shorter time. At present, the NCUTLO does not have sufficient funds to carry out this program and must rely on contract funds or outside contributions from other interested parties.

The Uniform Vehicle Code (UVC) is a specimen set of motor vehicle laws designed to be a comprehensive guide or standard for State motor vehicle and traffic laws. ^{14/} It reflects the need for uniformity in traffic regulation throughout the United States, and is used as a contemporary guide for use by State legislatures. The Model Traffic Ordinance (MTO) is a specimen set of motor vehicle ordinances for a municipality and is consistent with the recommended State laws in the UVC. Its provisions are designed as a guide for municipalities to follow in reviewing their traffic ordinances or considering the development or revision of a model traffic ordinance. The NCUTLO is the custodian of the UVC and the MTO and is responsible for revising and publishing both documents.

MTO Section 10-2, Unlawful Riding states:

No person shall ride on any street car or vehicle upon any portion thereof not intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies intended for merchandise. ^{15/}

There is not a corresponding section on unlawful riding in the UVC. When the recommended model guidelines are written by the UCUTLO, Section 10-2 in the MTO should be revised and a similar section should be added to the UVC.

^{13/} The NCUTLO's 1979 report noted that only 19 states and the District of Columbia contributed financial support.

^{14/} Uniform Vehicle Code and Model Traffic Ordinance revised - 1968. National Committee on Uniform Traffic Laws and Ordinances, Arlington, Virginia 22203.

^{15/} Ibid, in Model Traffic Ordinance, page 19.

SAFETY ORGANIZATIONS

The NHTSA functions as a major research arm of the Department of Transportation and funds many research, demonstration, and communications projects aimed at reducing death and injury on our nation's highways. States, other Federal agencies, universities, private research groups, consultants, and the NCUTLO have received funds for safety projects. The participation of the NHTSA in the development of a model law to prohibit riding in open cargo areas would be in keeping with the agency's safety objectives.

The insurance industry, with its vested interests in safety, has always strived to reduce accidents and their related fatalities and injuries. The Insurance Institute for Highway Safety (IIHS) is an independent research organization founded by the nation's motor vehicle property and casualty insurers through their three principal trade associations and a number of individual companies. The IIHS has conducted or funded numerous research, demonstration, and communications projects concerning the human, vehicle, and highway aspects of highway crash losses. In the area of laws pertaining to safety, the IIHS has been concerned about alcohol, habitual traffic offenders, motorcycle helmet and headlamp use, roadside hazards, seatbelt use, and fuel tank standards. Supporting the development of a model law to prevent fatalities and injuries associated with riding in the open cargo areas of vehicles would be consistent with the goal of the IIHS to prevent human and economic harm.

The Motor Vehicle Manufacturers Association (MVMA) sponsors basic research programs in such areas as emissions, energy, safety, and noise, where knowledge and information are needed to address issues affecting the motor vehicle industry. The major part of the MVMA research programs support independent researchers working under gifts, grants, or contracts. The MVMA has shown a continuing interest in all aspects of motor vehicle safety which has included the study of pedestrian safety, passenger protection, and injury severity reduction. The hazards associated with riding in the cargo areas of pickup trucks are in the area of passenger protection. Because of the MVMA's wide range of safety interests and its concern for passenger safety, the MVMA's support of the development of a model law would be a significant contribution.

Although vehicle manufacturers do not represent that the cargo areas of pickup trucks are suitable for carrying passengers, they could provide several valuable services toward the resolution of this problem. Currently, there is no information on the vehicle that cites the danger of riding in the cargo area. A reminder, such as the printed stickers on gas caps about using "unleaded gasoline only," in plain view of passengers might deter some persons from riding there. An additional reminder would be useful if placed in the vehicle owner's manual. In that way, at least the owner of the vehicle (who drives the vehicle most often) will be reminded not to carry passengers in the cargo area.

The National Safety Council, chartered by an Act of Congress, is a public service organization that furnishes leadership in safety. It provides safety services and materials to meet the needs of industry; insurance companies; associations; traffic and transportation; home, farm, and community safety organizations; government departments' schools; and individuals. Because of its ability to reach large segments of the public, the Safety Council could be effective in informing the public of the hazards of riding in the open cargo areas of vehicles. For example, since many teenagers and young adults are involved in these types of accidents, they should be made aware of these hazards early in their driving careers. The Safety Council could disseminate this information to high school driver education instructors for inclusion in driver education programs.

CONCLUSIONS

1. An average of 242 persons per year are killed and 167 persons are injured as a result of riding in the rear cargo area of pickup trucks.
2. Fatalities and injuries associated with riding in the open cargo area of vehicles may be understated in this study because the preaccident seating positions of 149 fatalities and 147 injured passengers were not identified in the data.
3. Almost 70 percent of the persons killed in such accidents are 22 years old or younger.
4. Passengers riding in the cargo area or on the vehicle exterior experienced the greatest percentage (35.7 percent) of fatalities.
5. There were 4,645 fatal accidents in which occupants either were involved in an overturn crash or fell from the vehicle.
6. Fatal ejection of passengers riding outside the cab is greater than that of passengers in the cab.
7. The National Highway Traffic Safety Administration has determined that the chance of being killed is 25 times greater when a person is ejected from a car.
8. Forty-nine of the 50 States have had accident fatalities as a result of persons riding in the cargo area of pickup trucks, with 14 States having had more than 25 fatalities.
9. In rear cargo areas, there are no surrounding structures that might afford same protection, and since there are no designated seating positions, occupant restraints are not required by law; consequently, passengers riding in the rear area are unprotected.
10. In the four accident investigations cited in this study, the ratio of fatalities in the open cargo area to those in the cab was almost 4 to 1.
11. Shifting weight in a cargo area may cause handling problems and result in an accident, as indicated in one of the Safety Board's accident investigations.
12. The Safety Board believes that the Fatal Accident Reporting System accident data and the additional accident investigations conducted by the Board and other agencies demonstrate the need for legislation by the States to prevent passengers from riding in the cargo area of nonwork-related vehicles.
13. The development of model guidelines might encourage States to enact legislation which would prevent passengers from riding in the cargo areas on nonwork-related vehicles and could assist them in formulating such legislation.
14. The National Highway Traffic Safety Administration, the Insurance Institute for Highway Safety, and the Motor Vehicle Manufacturers Association should provide support to the National Committee on Uniform Traffic Laws and Ordinances in its development of model guidelines to prevent passengers from riding in the cargo area of a pickup truck.

15. The National Committee on Uniform Traffic Laws and Ordinances should revise the model guidelines concerning riding in the cargo area of a pickup truck in the Model Traffic Ordinance and should add model guidelines to the Uniform Vehicle Code.
16. There may be a safety benefit in requiring the posting of information on pickup trucks advising against riding in the open cargo area.
17. There may be a safety benefit in requiring the inclusion of information in the pickup trucks owner's manuals advising against riding in the open cargo area.
18. Many States do not have laws that prevent passengers from riding in the cargo area of pickup trucks and the laws of some of the States which do address the issue are not precise.
20. The hazards of riding in the cargo area of vehicles should be made known to the public and should be brought to the attention of high school driver education instructors.

RECOMMENDATIONS

As a result of this study, the National Transportation Safety Board reiterated its recommendation that the National Committee on Uniform Traffic Laws and Ordinances:

Establish model guidelines for prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes. (Class II, Priority Action) (H-79-40)

and further recommended that the National Committee on Uniform Traffic Laws and Ordinances:

Revise Section 10-2 of the Model Traffic Ordinance and add a section to the Uniform Vehicle Code which effects the provisions of the model guidelines developed for Safety Recommendation H-79-40. (Class II, Priority Action) (H-81-60)

The Safety Board further recommended:

--to the National Highway Traffic Safety Administration:

In cooperation with the Insurance Institute for Highway Safety and the Motor Vehicle Manufacturers Association, support the National Committee on Uniform Traffic Laws and Ordinances in the development of model guidelines for legislation prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes. (Class II, Priority Action) (H-81-61)

--to the Insurance Institute for Highway Safety:

In cooperation with the National Highway Traffic Safety Administration and the Motor Vehicle Manufacturers Association, support the National Committee on Uniform Traffic Laws and Ordinances in the development of model guidelines for legislation prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes. (Class II, Priority Action) (H-81-62)

--to the Motor Vehicle Manufacturers Association:

In cooperation with the the National Highway Traffic Safety Administration and the Insurance Institute for Highway Safety, support the National Committee on Uniform Traffic Laws and Ordinances in the development of model guidelines for legislation prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes. (Class II, Priority Action) (H-81-63)

--to the Motor Vehicle Manufacturers Association and the Automobile Importers of America, Inc.:

Encourage their members to provide an effective reminder to passengers not to ride in the open cargo area of a vehicle. (Class II, Priority Action) (H-81-64)

Encourage their members to include information in the vehicle owner's manual concerning the hazards of riding in the open cargo area of a vehicle. (Class II, Priority Action) (H-81-65)

--to the National Safety Council:

Disseminate information to the public concerning the hazards of riding in the open cargo area of a vehicle. (Class II, Priority Action) (H-81-66)

Disseminate information to high school driver education officials concerning the hazards of riding in the open cargo area of a vehicle. (Class II, Priority Action) (H-81-67)

--to the Governors of the 50 States:

Review existing laws and revise as necessary to prohibit passengers from riding in the cargo area of a vehicle, except during work-related activities. (Class II, Priority Action) (H-81-68)

If no such law exists, enact legislation to prohibit passengers from riding in the cargo area of a vehicle, except during work-related activities. (Class II, Priority Action) (H-81-69)

BY THE NATIONAL TRANSPORTATION SAFETY BOARD

/s/ JAMES B. KING
Chairman

/s/ PATRICIA A. GOLDMAN
Member

/s/ G. H. PATRICK BURSLEY
Member

ELWOOD T. DRIVER, Vice Chairman, and FRANCIS H. McADAMS, Member, did not participate.

August 11, 1981

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION

~~Secretary of Transportation~~
Secretary of Transportation

February 14, 1991

~~Governor of Kansas~~
Governor of Kansas

Jeff Hatfield
Office of Barbara Lawrence,
State Representative
State House
Topeka, Kansas 66612

Dear Mr. Hatfield:

In response to your request for motor vehicle accident information, we are enclosing the following:

1. Accidents, persons and vehicles vs. type of accident involving pickup trucks for the years 1987-1989
2. Injury Severity by Age Group for drivers of pickup trucks for the years 1987-1989
3. Injury Severity by Age Group for passengers of pickup trucks for the years 1987-1989

If you have any questions or need additional information, please contact Donna Vialle at 296-5169.

Sincerely,

A handwritten signature in cursive script that reads "Terry W. Heidner".

TERRY W. HEIDNER, P.E.
CHIEF OF TRANSPORTATION PLANNING

TWH:DV

Encl.

Bill to prevent children under 16 from riding in the
back of pick-up trucks.

State level laws that prevent children from riding in the back of pick-up truck beds.
NONE

States that have amendments to this law: California
Colorado
Delaware
Nevada
New York

Data obtained from the NHTSA Fatal Accident Reporting System indicated that from 1975 to 1978, an average of about 4,200 persons per year were killed annually in the bed of pickup trucks. Of these about 250 persons per year were riding in the bed of the pickup.

After excluding fatal accidents in which only a driver was involved, 34 percent of the passengers riding in the beds of pickups were killed, while 28 percent of the drivers and passengers in the cab were killed. That means that 6 percent more died in the bed of the pickup than in the cab.

States with more than 25 fatalities in the bed of pickup trucks over this four year period.

State	Fatalities
California	131
Texas	112
Florida	63
Arizona	49
New Mexico	37
North Carolina	26

FATALITIES IN PICKUP TRUCKS BY SEATING POSITIONS.

	Total	Fatalities	Percentage of Fatal:
Drivers(no passengers)	23,134	10,787	46.6%
Drivers(with passengers)	15,860	4,761	30.0%
Cab Passengers	19,373	5,211	27.0%
EXTERIOR PASSENGERS	3,395	1,212	35.7%
Unknown	2,357	747	31.7%

It was possible to identify 214 fatalities out of 1,212 who fell out of the cargo area or off the vehicle exterior.

FATALITIES AND INJURIES OF EXTERIOR PASSENGERS BY YEAR.

Injury	1975	1976	1977	1978	1979	Total
Fatal	213	241	259	229	270	1,212

Incapacitating	167	150	190	159	171	837
Non-incapacitating evident.	118	130	140	165	160	713
Possible	49	99	64	68	60	340
None	154	125	-	-	-	279
Unknown	-	1	5	7	1	14
TOTAL	701	746	658	628	662	3,395

HAZARDS OF RIDING IN AN OPEN CARGO AREA:

The FARS data show that each year an average of 242 passengers become fatalities and 167 suffer incapacitating injuries. Almost 70 percent of the victims are 22 or younger! Since passengers in the rear are unrestrained, they are free to move around or ride on the fenders, roof or hood, or the edge of the cargo area. It should be noted that fatal and/or serious injuries are not necessarily accompanied by catastrophic damage to the vehicle involved. Normal cargo or hard goods usually are tied down or secured to the cargo bed in some way to alleviate these problems.

Lack of occupant protection:

The most obvious and dangerous hazard associated with riding in the open cargo area is the lack of occupant protection. There is no surrounding structure to protect passengers in the event of a rollover or even a quick change of directions.

Conclusions:

An average of 242 persons per year are killed and 167 persons are injured as a result of riding in the rear cargo area of pickup trucks.

Passengers riding in the cargo area or on the vehicle exterior experienced the greatest percentage(35.7%) of fatalities.

Fatal ejection of passengers riding outside the cab is greater than that of passengers in the cab.

The National Highway Safety Administration has determined that the chance of being killed is 25 times greater when a person is ejected from a car.

Forty-nine of the 50 states have had accident fatalities as a result of persons riding in the cargo area of pickup trucks, with 14 states having more than 25 fatalities.

Prepared for Barbara Lawrence
by Jeff Hatfield

DELAWARE CODE
ANNOTATED

REVISED 1974

With Provision for Subsequent Pocket Parts

Prepared under the Supervision of
The Delaware Code Revisors

JOSEPH WHITMORE MAYBEE AND DANIEL F. WOLCOTT, JR.

by

The Editorial Staff of the Publishers

Under the Direction of

ADRIAN D. KOWALSKY, RICHARD W. WALTER, JR., KATHARINE A.
WELCH, MICHELE K. SKARVELIS AND ALICE E. ESTES

VOLUME 11

1985 Replacement Volume

*Including Legislation Enacted Through December 31, 1985 by
the 133rd General Assembly and annotations taken from
Atlantic Reporter 2d through Volume 494 (p. 1189)*

THE MICHIE COMPANY
Law Publishers
CHARLOTTESVILLE, VIRGINIA
1985

§ 4198. Lamps and other equipment on bicycles.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. (21 Del. C. 1953, § 4196; 54 Del. Laws, c. 160, § 1.)

Cross reference. — As to lights generally, see §§ 4331-4358 of this title.

Subchapter XIII. Safety Zones; Passengers in Vehicles

§ 4199. Driving through safety zone prohibited.

No vehicle shall at any time be driven through or within a safety zone. (21 Del. C. 1953, § 4197; 54 Del. Laws, c. 160, § 1.)

§ 4199A. Riding without owner's consent; protrusion beyond limits of vehicle.

No person shall ride upon any vehicle without the consent of the driver and when any person is riding on any vehicle with the driver's consent, no part of the person's body must protrude beyond the limits of the vehicle. (21 Del. C. 1953, § 4198; 54 Del. Laws, c. 160, § 1.)

Violator is trespasser. — If the jury concludes that injured party was on vehicle without the driver's consent, then he was in violation of this section and his status was that of a trespasser. *Shotzberger v. Piazza*, Del. Supr., 333 A.2d 167 (1975).

When driver liable to trespasser. — Under this section the driver of a vehicle is liable

to a person riding thereon without his consent only if he knows or should know of the trespasser's presence in or on the car, and only if it is proved that the injuries sustained by the trespasser were proximately caused by his (the driver's) intentional or wilful or wanton conduct. *Shotzberger v. Piazza*, Del. Supr., 333 A.2d 167 (1975).

§ 4199B. Riding in house trailers.

It shall be unlawful to ride in a house trailer being towed by another vehicle. (21 Del. C. 1953, § 4199; 54 Del. Laws, c. 160, § 1.)

7-29

NEVADA REVISED STATUTES

Containing All Statute Laws of Nevada of a
General, Public and Permanent Nature

VOLUME 21

Classified, Arranged, Revised, Indexed and Published
(Pursuant to chapter 220 of NRS)

BY THE
LEGISLATIVE COUNSEL
STATE OF NEVADA



LEGISLATIVE COUNSEL BUREAU
CARSON CITY, NEVADA

476

7-30

except when otherwise directed by a police officer or by the driver of a vehicle escorting the funeral procession.

2. This section does not apply to authorized emergency vehicles.
(Added to NRS by 1969, 1506; A 1985, 944)

484.469 Driving in procession.

1. All vehicles, persons or animals comprising a funeral or other procession shall follow the preceding vehicles, persons or animals in the procession as closely as is practicable and safe.

2. Each vehicle in a funeral procession must have its head lamps lighted.

3. The driver of a vehicle escorting a funeral procession may display flashing amber warning lights if the appropriate permit has been issued pursuant to NRS 484.579.

(Added to NRS by 1969, 1506; A 1985, 945)

484.471 Permits required for certain parades and processions, sound trucks and oversized or overweight vehicles or equipment.

1. A procession, except a funeral procession, or parade, except the forces of the United States Armed Services, the military forces of this state and the forces of the police and fire departments, must not occupy, march or proceed along any highway except in accordance with the permit issued by the proper public authority.

2. A sound truck or other vehicle equipped with an amplifier or loudspeaker must not be driven upon any highway for the purpose of selling, offering for sale or advertising in any fashion except in accordance with a permit issued by the proper public authority.

3. An oversized or overweight vehicle or equipment must not be driven, occupy or proceed upon any highway except in accordance with a permit issued by the proper public authority.

(Added to NRS by 1969, 1506; A 1985, 945)

484.473 Unlawful riding. A person shall not ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision does not apply to an employee engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies and space intended for merchandise.

(Added to NRS by 1969, 1507)

484.474 Child riding in motor vehicle: Device to restrain child under 5 years of age required; penalty; exceptions.

1. Except as otherwise provided in subsection 5, any person who is transporting a child who is under 5 years of age and who weighs less than 40 pounds in a motor vehicle registered in this state which is equipped to carry passengers shall secure him in a device for restraining

CLS

New York Consolidated Laws Service Annotated Statutes with Forms

Vehicle and Traffic Law (§§ 600 to end)

Volume 38

By the Editorial Staff
of the Publisher

1976



THE LAWYERS CO-OPERATIVE PUBLISHING CO.
Rochester, New York 14603

7-32

§ 1220-a. Work permits for work on state highways

Except in connection with the construction, reconstruction, maintenance, or improvement of a State highway, no person shall work on a state highway without a work permit issued by the state commissioner of transportation.

HISTORY:

Add, L 1972, ch 297, eff Jan 1, 1973.

CROSS REFERENCES:

Highway work permits, High Law § 52.

RESEARCH REFERENCES AND PRACTICE AIDS:

4 NY Jur, Automobiles and Other Vehicles § 477.

§ 1221. Driving through safety zone prohibited

No vehicle shall at any time be driven through or within a safety zone.

HISTORY:

Add, L 1959, ch 775, eff Oct 1, 1960. Substance transferred from former § 1221.

RESEARCH REFERENCES AND PRACTICE AIDS:

4 NY Jur, Automobiles and Other Vehicles § 474.

7 Am Jur 2d, Automobiles and Highway Traffic §§ 197, 396, 419, 460.

§ 1222. Persons riding on trucks

1. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, for a distance in excess of five miles, while there is standing therein or thereon any person or persons in excess of one-third of the number of persons therein or thereon:

- a. Unless suitable seats are securely attached to the body of such auto truck;
- b. Unless side racks of at least three feet in height above the floor of such auto truck are securely attached; and
- c. Unless it shall have attached thereto a tail board or tail gate which is securely closed.

The provisions of this subdivision shall not apply to persons or corporations operating an agency or agencies for public service, who or which are subject to the jurisdiction, supervision and regulations prescribed by or pursuant to the public service law nor to their agents or employees when engaged in the business of such persons or corporations.

2. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, in excess of five miles, while there are in excess of five persons under eighteen years of age in the body of such truck unless at least one person over eighteen years of age also rides in the body of said truck.

HISTORY:

Add, L 1959, ch 775, eff Oct 1, 1960. Substance transferred from former § 67.

Sub 2, amd. L 1974, ch 913, eff Sept 1, 1974.

RESEARCH REFERENCES AND PRACTICE AIDS:

4 NY Jur, Automobiles and Other Vehicles § 464.

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§ 1223.

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proceeding. Taylor v Yukoweic (1948) 273 AD 915, 77 NYS2d 620, reh and app den 273 AD 973, 79 NYS2d 325.

that plaintiff and another boy were both riding same bicycle at time of collision contrary to statute, was not fundamental error. Barreto v Rothenhauser (1974) 46 AD2d 632, 360 NYS2d 9.

In action for injuries sustained in automobile-bicycle collision, failure to charge jury regarding fact

§ 1233. Clinging to vehicles

- 1. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle being operated upon a roadway.
- 2. No person shall ride on or attach himself to the outside of any vehicle being operated upon a roadway without the permission of the operator thereof.
- 3. No vehicle operator shall knowingly permit any person to attach any device or himself to such operator's vehicle in violation of subdivision one of this section.

HISTORY:

- Add, L 1959, ch 775, with substance transferred from former § 1233, amd, L 1968, ch 330, L 1969, ch 604, eff May 21, 1969.
- Sub 1, formerly entire section, so numbered and amd, L 1969, ch 604, eff May 21, 1969.
- Sub 2, add, L 1969, ch 604, eff May 21, 1969.
- Sub 3, add, L 1969, ch 604, eff May 21, 1969.

CROSS REFERENCES:

Sentences for traffic infractions, Penal Law § 60.20.

RESEARCH REFERENCES AND PRACTICE AIDS:

8 Am Jur 2d, Automobiles and Highway Traffic § 552.

CASE NOTES

Although a motorist may be guilty of violating § 1233 by attaching a sled to his car so that a child may ride upon it, he is not subject to liability as matter of law for injuries sustained by the child

without determination of whether his act was the proximate cause of the injuries and whether the child was guilty of contributory negligence. Ricci v Rolles (1962) 16 AD2d 788, 227 NYS2d 944.

§ 1234. Riding on roadways, shoulders, bicycle lanes and bicycle paths.

- (a) Where no bicycle lane or bicycle path is provided, every person operating a bicycle upon a highway shall either ride as near to the right side of the roadway as practicable or if a shoulder exists on the right side of the roadway, use such shoulder.
- (b) Persons riding bicycles upon a roadway shall not ride more than two abreast. Persons riding bicycles upon a shoulder, lane or path set aside for the use of bicycles may ride two or more abreast if sufficient space is available, except when passing a vehicle, bicycle or pedestrian standing or proceeding along such shoulder, lane or path, persons riding bicycles shall ride single file. Persons riding bicycles upon a roadway shall ride single file when being overtaken by another vehicle.
- (c) Wherever a usable path, lane or shoulder for bicycles has been provided

LEONARD J. ...

7-34

DEERING'S CALIFORNIA CODES

VEHICLE CODE

Annotated

OF THE STATE OF CALIFORNIA

Adopted February 25, 1959
with amendments through the
1983 Session of the 1983-1984 Legislature

§ 17000 to § 22347

Annotated and Indexed by
The Publisher's Editorial Staff

1984

TM



BANCROFT-WHITNEY CO.
301 Brannan Street
San Francisco, California 94107

7-35

(e) No person shall knowingly drive a motor vehicle which is towing any person riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, skis, or toy vehicle.

(f) Subdivision (d) shall not apply to a trailer coach being towed with a fifth-wheel device if the trailer coach is equipped with safety glazing materials wherever glazing materials are used in windows or doors, with an audible or visual signaling device which a passenger inside the trailer coach can use to gain the attention of the motor vehicle driver, and with at least one unobstructed exit capable of being opened from both the interior and exterior of the trailer coach.

Enacted Stats 1959 ch 3; Amended Stats 1961 ch 117 § 1; Stats 1965 ch 333 § 1; Stats 1971 ch 1536 § 2; Stats 1972 ch 262 § 1, ch 881 § 3; Stats 1974 ch 578 § 1; Stats 1981 ch 813 § 12.

Prior Law: Former Veh C § 596.5, as added by Stats 1937 ch 282 § 9 p 620, amended by Stats 1947 ch 875 § 15 p 2055.

Amendments:

1961 Amendment: Added "completely" in the second paragraph.

1965 Amendment: (1) Designated the former section to be subd (a); (2) amended subd (a) by (a) adding "or" before "upon"; and (b) substituting "subdivision" for "provision"; and (2) added subd (b).

1971 Amendment: Added "or camp trailer" in subd (b).

1972 Amendment: (1) Deleted "shall ride, and no person" after "person" in subd (a); (2) deleted the former second paragraph of subd (a) which read: "This subdivision does not apply to an employee engaged in the necessary discharge of his duty or to persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle."; (3) added subds (b) and (c); (4) redesignated former subd (b) to be subd (d); (5) deleted "upon a highway" after "vehicle" in subd (d); and (6) added subd (e).

1974 Amendment: Added subd (f).

1981 Amendment: Added "motorcycle, motorized bicycle," in subd (e).

Cross References:

"Bicycle": § 231.

"Camp trailer": § 242.

"Motorcycle": § 400.

"Motorized bicycle": § 406.

"Passenger vehicle": § 465.

"Safety glazing material": § 535.

"Tow car": § 615.

"Trailer coach": § 635.

Liability for personal injury to or death of "guests": § 17158.

Application to trolley coaches: § 21051.

Operation of train of towed vehicles: § 21711.

Towing limits: § 21715.

Collateral References:

Witkin Crimes p 596.

Witkin Summary (8th ed) pp 2806, 2810, 2992, 2993, 2994.

8 Cal Jur 3d Automobiles §§ 195, 212.

Forms:

Am Jur Pl & Pr Forms (Rev ed) Automobiles and Highway Traffic Form 356.

Colorado Revised Statutes

VOLUME 17
1984 REPLACEMENT VOLUME
TRANSPORTATION AND UTILITIES

Edited, Collated, and Revised
Under the Supervision and Direction of the
COMMITTEE ON LEGAL SERVICES
by
DOUGLAS G. BROWN, OF THE COLORADO BAR,
REVISOR OF STATUTES
AND THE
OFFICE OF REVISOR OF STATUTES

Completely Annotated
by the
Editorial Staff of The Michie Company

Published with Annotations through 675 P.2d 1287, 577 F. Supp. 28, 725
F.2d 106, 104 S. Ct. 1019, 35 Bankr. 758, 55 U. Colo. L. Rev. 144, 61
Den. L.J. 107, and from 11 Colo. Law. 1 through 13 Colo. Law. 574.

*Reenacted by the General Assembly of the State of Colorado as the
Statutory Law of Colorado of a General and Permanent Nature*

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(2) Any person who violates any provision of this section commits a class A traffic infraction.

Source: L. 65, p. 330, § 43; C.R.S. 1963, § 13-5-150; L. 75, p. 1531, § 3; L. 82, p. 668, § 22.

Am. Jur.2d. See 7A Am. Jur.2d, Automobiles and Highway Traffic, § 872.

C.J.S. See 60A C.J.S., Motor Vehicles, § 300.

42-4-113. Riding in trailers. No person shall occupy a trailer while it is being moved upon a public highway. Any person who violates any provision of this section commits a class B traffic infraction.

Source: L. 65, p. 330, § 43; C.R.S. 1963, § 13-5-152; L. 75, p. 1531, § 4; L. 82, p. 668, § 23.

C.J.S. See 60A C.J.S., Motor Vehicles, § 403(1).

42-4-114. Removal of traffic hazards. (1) The state department of highways and local authorities, within their respective jurisdictions, may by written notice sent by certified mail require the owner of real property abutting on the right-of-way of any highway, sidewalk, or other public way to trim or remove, at the expense of said property owner, any tree limb or any shrub, vine, hedge, or other plant which projects beyond the property line of such owner onto or over the public right-of-way and thereby obstructs the view of traffic, obscures any traffic control device, or otherwise constitutes a hazard to drivers or pedestrians.

(2) It is the duty of the property owner to remove any dead, overhanging boughs of trees located on the premises of such property owner that endanger life or property on the public right-of-way.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge, or other plant within ten days after receipt of written notice from said department or concerned local authority to do so, said department or local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the state or local authority for the cost of the work performed.

Source: L. 71, pp. 201, 203, § § 9, 11; C.R.S. 1963, § 13-5-167.

42-4-115. Regulation of driveways.

Repealed, L. 79, p. 1603, § 2, effective June 21, 1979.

PART 2

EQUIPMENT

42-4-201. Obstruction of view or driving mechanism - hazardous situation.

(1) No person shall drive a vehicle when it is so loaded or when there are

in the front seat the view of the with the driver's

(2) No person is riding in any others.

(3) No person viewer, screen, which is located the driver's seat vehicle.

(4) No vehicle vision through ar

(5) No passenger hazard for himself or to the sides, mechanism of the ger therein to ride

(6) No person top, hood, or feet than the specific or while in a situation fully or partially shall the operator himself to the out portion thereof.

(7) The provision intended for passenger a vehicle if such the same is in motor vans, or exhibitio by law.

(8) Any person A traffic infraction

Source: L. 35, p. 53, § 13-4-77; C.R.S. L. 82, p. 668, § 24.

Am. Jur.2d. See 7A Automobiles and Highway Traffic Subsection (6) not 42-4-103(2). The words

in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No person shall knowingly drive a vehicle while any passenger therein is riding in any manner which endangers the safety of such passenger or others.

(3) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle.

(4) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal and unobstructed.

(5) No passenger in a vehicle shall ride in such position as to create a hazard for himself or others, or to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle; nor shall the driver of a vehicle permit any passenger therein to ride in such manner.

(6) No person shall hang on or otherwise attach himself to the outside, top, hood, or fenders of any vehicle, or to any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion; nor shall the operator knowingly permit any person to hang on or otherwise attach himself to the outside, top, hood, or fenders of any vehicle, or any other portion thereof, other than the specific enclosed portion of such vehicle intended for passengers or while in a sitting position in the cargo area of a vehicle if such area is fully or partially enclosed on all four sides, while the same is in motion. This subsection (6) shall not apply to parades, caravans, or exhibitions which are officially authorized or otherwise permitted by law.

(7) The provisions of subsection (6) of this section shall not apply to a vehicle owned by the United States government or any agency or instrumentality thereof, or to a vehicle owned by the state of Colorado or any of its political subdivisions, or to a privately owned vehicle when operating in a governmental capacity under contract with or permit from any governmental subdivision or under permit issued by the public utilities commission of the state of Colorado, when in the performance of their duties persons are required to stand or sit on the exterior of the vehicle and said vehicle is equipped with adequate handrails and safeguards.

(8) Any person who violates any provision of this section commits a class A traffic infraction.

Source: L. 35, p. 811, § 118; CSA, C. 16, § 233; L. 49, p. 263, § 14; CRS 53, § 13-4-77; C.R.S. 1963, § 13-5-76; L. 71, p. 220, § 1; L. 75, p. 1532, § 5; L. 82, p. 668, § 24.

Am. Jur.2d. See 7A Am. Jur.2d. Automobiles and Highway Traffic, § 803.

Subsection (6) not exception to section 42-4-103(2). The words "while moving", used

in subsection (6), do not connote any particular place and do not give rise to an exception to the application of this article to streets and

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REPORT FF-1

ACCIDENTS, PERSONS AND VEHICLES VS. TYPE OF ACCIDENT

DATE RUN: 2-12-91

TIME- 1- 1-89 THRU 12-31-89

REQD REQ.NO.: 0001

LOCN- PICKUP TRUCK

CHR5- ACCIDENTS

BY VIALLE
GAD

0212

TYPE OF ACCIDENT (1ST H.E.)	* A C C I D E N T S *									* P E R S O N S I N V O L V E D *							* V E H I C L E S I N V O L V E D *					
	* T O T A L *		* M O S T S E V E R E I N J U R Y *			* L O C A T I O N *				* T O T A L *		* I N J U R Y S E V E R I T Y *					* R O L E *		* T O T A L *		* K S . T Y P E *	
	NO.	PC.	FATL	INCAP	N-INC	NONE	PC.	PC.	NO.	PC.	FATL	INCAP	N-INC	NONE	PC.	PC.	NO.	NO.	PSGR	HTHR		
				POSS			OFRD	URBN					POSS	DRVR	PSGR	P/P		CAR	TRK			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
A OVERTURNED	1118	6	15	146	485	472	0	11	1744	3	15	188	692	849	64	36	1	1121	1	0		
B OTHER N-COL	263	1	2	37	79	145	0	30	480	1	2	39	101	338	55	45	0	263	0	0		
SUB-TOTAL *	1381	7	17	183	564	617	0	14	2224	4	17	227	793	1187	62	38	1	1384	1	0		
C MV SAME RDWY	13516	68	70	770	3588	9088	0	76	42180	81	87	1077	6004	35012	68	32	14	28724	12755	0		
D MV OTHR RDWY	31	0	1	1	5	24	0	42	92	0	1	3	7	81	68	32	0	63	26	0		
E MV PARKED	1822	9	3	44	258	1517	0	76	2540	5	3	48	311	2178	73	26	9	3931	1746	15		
SUB-TOTAL *	15369	77	74	815	3851	10629	0	76	44812	87	91	1128	6322	37271	68	32	23	32718	14527	147		
F RAILWY TRAIN	31	0	4	6	9	12	3	13	45	0	4	8	12	21	69	31	0	31	0	0		
G PEDESTRIAN	105	1	12	36	57	0	1	72	259	1	12	36	63	158	41	17	108	106	0	0		
H PEDALCYCLIST	78	0	2	19	57	0	0	78	177	0	2	19	59	97	44	12	78	78	0	0		
J ANIMAL	1083	5	8	29	1046	0	5	1534	3	0	8	33	1493	71	29	0	1084	1	0			
K FIXED OBJECT	1837	9	12	138	558	1129	1	41	2602	5	14	162	741	1685	71	29	0	1839	0	0		
L OTHER OBJECT	100	1	6	23	71	0	32	136	0	0	6	31	99	74	26	0	100	0	0			
INVAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
SUB-TOTAL *	3234	16	30	213	733	2258	0	31	4753	9	32	239	939	3543	68	26	186	3234	1	0		
TOTAL	** 19934	100	121	1211	5148	13504	0	64	* 51789	100	140	1594	8054	42001	68	32	210	* 37340	14529	147		
PERCENT	* 100	---	.6	6	26	68	---	---	* 100	---	.3	3	16	81	---	---	.4	* 100	39	---		

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REPORT FF-1

ACCIDENTS, PERSONS AND VEHICLES VS. TYPE OF ACCIDENT

DATE RUN: 2-12

TIME- 1- 1-88 THRU 12-31-88

REQD REQ.NO.: 0001

CHRS- ACCIDENTS

BY VIALLE

GAD

0212

TYPE OF ACCIDENT (LIST HERE)	* A C C I D E N T S *									* P E R S O N S I N V O L V E D *							* V E H I C L E S I N V O L V E D *				
	* T O T A L *		* M O S T S E V E R E I N J U R Y *			* L O C A T I O N *			* T O T A L *		* I N J U R Y S E V E R I T Y *					* R O L E *		* T O T A L *		* K S. T Y P E *	
	NO.	PC.	FATL	INCAP	N-INC	NONE	PC.	PC.	NO.	PC.	FATL	INCAP	N-INC	NONE	PC.	PC.	NO.	NO.	PSGR	MOTR	
(LIST HERE)				POSS		QFRD	URBN						POSS	ORVR	PSGR	P/P			CAR	CYC	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
OVERTURNED	1169	6	21	162	493	493	2	11	1781	3	21	214	718	828	66	34	0	1170	4	0	
OTHER N-COL	250	1	3	32	68	147	1	28	444	1	3	32	79	330	57	43	0	254	5	0	
SUB-TOTAL *	1419	7	24	194	561	640	2	14	2225	4	24	246	797	1158	64	36	0	1424	9	0	
DRV SAME RDWY	13622	67	65	700	3617	9240	0	75	42291	80	82	1025	5968	35216	68	32	32	28860	12757	128	
DRV OTHER RDWY	133	1	1	12	23	99	0	52	370	1	1	18	39	312	75	25	0	278	115	1	
DRV PARKED	1934	9	2	36	235	1661	0	13	2722	5	2	45	285	2390	72	27	20	4140	1837	11	
SUB-TOTAL *	15691	77	68	748	3875	11000	0	75	45383	86	85	1088	6292	37918	68	32	52	33278	14709	140	
PALENT TRAIN	24	0	2	1	7	14	0	13	36	0	3	1	10	22	67	33	0	24	0	0	
HOIST/CRAN	98	0	10	35	51	2	2	17	252	0	10	36	62	144	39	17	107	99	2	0	
PEDESTAL CYCLIST	27	0		23	71	1	0	79	225	0	0	24	72	129	42	15	96	95	0	0	
ANIMAL	1153	6		6	39	1108	0	5	1743	3	0	7	45	1691	66	34	0	1153	2	0	
FIXED OBJECT	1867	9	20	151	571	1125	3	43	2612	5	20	175	735	1682	72	28	0	1878	24	0	
OTHER OBJECT	122	1	1	8	30	83	2	34	191	0	1	9	38	143	66	33	0	126	2	0	
INVAL	3	0		0	1	2	0	67	9	0	0	0	2	7	56	44	0	6	3	0	
SUB-TOTAL *	3962	16	33	224	170	2335	2	31	5068	10	34	252	964	3818	67	29	203	3381	33	0	
TOTAL **	20472	100	125	1166	5206	13975	0	63	52676	100	143	1586	8053	42894	68	32	255	38083	14751	140	
PERCENT	100		.8	6	25	68			100		.3	3	15	81			.5*	100	39	.4	

REPORT FF-1

ACCIDENTS, PERSONS AND VEHICLES VS. TYPE OF ACCIDENT

DATE RUN: 2-12-91

TIME- 1- 1-87 THRU 12-31-87
LOCN- PICKUP TRUCK

CHR5- ACCIDENTS

REQD REQ.NO.: 0001
BY VIALLE
GAD 0212

TYPE OF ACCIDENT (1ST H.E.)	* A C C I D E N T S *									* P E R S O N S I N V O L V E D *								* V E H I C L E S I N V O L V E D *				
	* T O T A L *	* M O S T S E V E R E *	* I N J U R Y *			* L O C A T I O N *			* T O T A L *	* I N J U R Y S E V E R I T Y *				* R O L E *				* T O T A L *	* K S. T Y P E *			
	NO.	PC.	FATL	INCAP	N-INC	NONE	PC.	PC.	NO.	PC.	FATL	INCAP	N-INC	NONE	PC.	PC.	NO.	NO.	PSGR	MOTR		
					POSS		QFRD	URBN#					POSS		DRVR	PSGR	P/P		CAR	CYC		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
A OVERTURNED	1050	5	19	134	413	484	4	12	1557	3	20	165	599	773	68	32	0	1053	14	0		
B OTHER N-COL	217	1		22	62	133	1	35	388	1	0	23	72	293	56	46	0	219	3	0		
SUB-TOTAL *	1267	6	19	156	475	617	4	16	1945	4	20	188	671	1066	65	35	0	1272	17	0	*	
C MV SAME RDWY	14115	67	71	666	3706	9672	0	76	44025	81	83	913	6176	36853	68	32	16	30003	13373	160		
D MV OTHR RDWY	171	1	1	10	40	120	0	47	511	1	1	14	62	434	68	32	0	350	147	2		
E MV PARKED	2062	10	2	44	263	1753	1	74	3007	6	2	51	338	2616	70	29	24	4418	1961	13		
SUB-TOTAL *	16349	78	74	720	4009	11545	0	76	47543	87	86	978	6576	39903	68	32	40	34771	15481	175	*	
F RAILWY TRAIN	45	0	9	4	12	20	0	24	67	0	12	9	17	29	69	31	0	46	0	0		
G PEDESTRIAN	128	1	7	39	82	0	2	80	305	1	7	40	91	167	43	14	132	133	2	0		
H PEDALCYCLIST	109	1	1	26	80	2	1	84	255	0	1	27	82	145	43	14	110	109	3	0		
J ANIMAL	1035	5		7	32	1046	0	6	1561	3	0	7	46	1508	70	30	0	1086	9	0		
K FIXED OBJECT	1379	9	20	158	551	1145	4	44	2648	5	26	185	700	1737	71	29	1	1880	19	0		
L OTHER OBJECT	114	1		9	31	74	3	46	173	0	0	11	49	113	66	34	0	115	2	0		
INVAL	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
SUB-TOTAL *	3360	16	42	243	788	2287	3	34	5009	9	46	279	985	3699	67	28	243	3369	35	0	*	
TOTAL	** 20975	100	130	1119	5272	14449	1	65	* 54497	100	152	1445	8232	44668	68	32	283	* 39412	15533	175	*	
PERCENT	*	100	---	0	5	25	69	---	---	*	100	---	0.3	3	15	82	---	---	0.5	100	39	0.4

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REPORT DA-2

DATA ARRAY OF SELECTED DATA ELEMENTS FOR SELECTED ACCIDENTS

DATE RUN: 2-12-91

TIME- 1- 1-89 THRU 12-31-89

REQD REQ. NO. 0001

LOCN- PICKUP TRUCK ACCIDENTS
CHR3-

CHR5- DRIVER AGE/DR INJURY SEV
CHR6- ERITY

COLS- DINJSEV
ROWS- DAGEGRPC

BY: VIALLE
PLANNING 0212

AGE-GROUP	* INJURY SEVERITY								* TOTAL	* PC
DRIVER	* NONE	* FATAL	* INCAP	* N-INC	* POSS	* UNK	* INVAL			
15&UN	285	3	10	45	28	0	0	371	2	
16	435	1	15	51	40	0	0	542	2	
17	524	1	25	59	34	0	0	643	3	
18,19	1112	3	49	142	103	0	0	1409	6	
20-24	2448	8	102	244	209	0	0	3011	14	
25-34	4936	15	165	397	426	0	0	5939	27	
35-44	3029	5	97	209	215	0	0	3555	16	
45-54	1729	10	48	125	157	0	0	2069	9	
55-64	1348	3	32	85	98	0	0	1566	7	
65-74	721	4	18	48	40	0	0	831	4	
75&UP	323	1	9	24	19	0	0	376	2	
INVAL	519	0	2	7	24	2	1257	1811	8	
TOTAL	17409	54	572	1436	1393	2	1257	22123	100	
PERCENT	79	0	3	6	6	0	6	100		

NO. OF ACCIDENTS 19984
 VEHICLES 37340
 DRIVERS 35127
 PASSENGERS 16446
 PEDESTRIANS 128
 PEDAL CYCLISTS 82
 COUNT-PED-PED 210

O.E.I. BUSINESS FORMS

743

TIME- 1- 1-88 THRU 12-31-88

REQD REQ. NO. 0001

LOGN- PICKUP AGE BY AGE GROUP
 CHR3- DRIVER INJURY SEVERITY

COLS- ~~DRIVER~~
 ROWS- DAGEGRPC

BY: MATTSON
 PLANNING 0110

		* INJURY SEVERITY							*TOTAL	* PC
AGE-GROUP	DRIVER	NONE	FATAL	INCAP	N-INC	POSS	UNK	INVAL		
15&UN	277	2	10	36	25	0	0		350	2
16	465	2	19	46	32	0	0		564	2
17	587	0	19	60	53	1	0		720	3
18,19	1143	4	35	110	109	0	0		1410	6
20-24	2684	11	102	278	220	0	0		3295	15
25-34	5139	14	167	409	418	2	0		5149	27
35-44	2921	10	97	212	259	1	0		3500	15
45-54	1694	5	46	115	131	0	0		1991	9
55-64	1291	4	30	81	88	1	0		1495	7
65-74	747	8	24	53	52	2	0		886	4
75&UP	308	4	16	32	20	0	0		380	2
INVAL	587	0	1	5	11	8	1300		1912	8
TOTAL	17843	64	566	1446	1418	15	1300		22652	100
PERCENT	79	0	2	6	6	0	6		100	

NO. OF ACCIDENTS	20472
VEHICLES	38083
DRIVERS	35736
PASSENGERS	15644
PEDESTRIANS	148
PEDALCYCLISTS	107
COUNT-PED-PED	255

17-6

REPORT DATE

DATA ARRAY OF SELECTED DATA ELEMENTS FOR SELECTED ACCIDENTS

DATE RUN: 1-18-90

TIME- 1- 1-87 THRU 12-31-87
LIGN- PICKUP ACC BY AGE GROUP
CHRS- DRIVEN TO THIS SEVERITY

COLS- DINJSEV
ROWS- DAGEGRPC

REQD REQ. NO. 0001
BY: SMATTSON
PLANNING 0118

AGE GROUP	INJURY SEVERITY								TOTAL	PC	
DRIVER	NONI	TOTAL	INCAP	N-INC	POSS	UNK	INVAL				
15&UN	257	2	15	26	20	0	0			320	1
16	539	3	15	64	43	0	0			664	3
17	552	1	15	67	30	0	0			669	3
18-19	1185	4	36	100	92	1	0			1405	6
20-24	2959	6	94	254	225	1	0			3537	15
25-34	5241	22	138	452	460	1	0			6314	27
35-44	2951	10	47	138	210	0	0			3452	15
45-54	1715	4	42	113	137	0	0			2008	9
55-64	1370	2	31	82	115	0	0			1614	7
65-74	707	7	22	42	50	0	0			837	4
75&UP	283	4	16	21	24	0	0			348	1
INVAL	573	0	1	4	17	1	1460			2051	9
TOTAL	13323	71	513	1423	1421	2	1460			23219	100
PERCENT	77	0	2	6	6	0	6			100	

NO. OF ACCIDENTS 20975
 VEHICLES 39412
 DRIVERS 36888
 PASSENGERS 17289
 PEDESTRIANS 174
 PEDALCYCLISTS 109
 COUNT-PED-PED 283

7445

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TIME- 1- 1-89 THRU 12-31-89

REQD. REQ. NO. 0001

LOCN- PICKUP TRUCK ACCIDENTS
CHR3-

CHR5- PASS. AGE/PASS. INJ SEVE
CHR6- RITY

COLS- PAINJSEV
RDWS- PAAGEGRC

BY: VIALLE
PLANNING 0212

AGE-GROUP	* INJURY SEVERITY								*TOTAL	* PC
	* NONE	* FATAL	* INCAP	* N-INC	* POSS	* UNK	* INVAL			
0- 4	604	2	14	48	42	0	0	710	8	
5- 9	612	1	17	72	56	0	0	758	9	
10-14	604	0	24	67	53	0	0	748	9	
15-19	1480	2	59	170	139	0	0	1850	22	
20-24	829	4	38	87	90	0	0	1048	12	
25-34	989	7	49	101	107	0	0	1253	15	
35-44	531	1	24	54	50	0	0	660	8	
45-54	302	2	21	22	34	0	0	381	4	
55-64	196	1	9	17	30	0	0	253	3	
65-74	126	0	7	20	24	0	0	177	2	
75&UP	61	0	2	7	8	0	0	78	1	
INVAL	617	0	7	16	28	0	0	668	8	
TOTAL	6951	20	271	681	661	0	0	8584	100	
PERCENT	81	0	3	8	8	0	0	100		

NO. OF ACCIDENTS	5935
VEHICLES	10926
DRIVERS	10633
PASSENGERS	11269
PEDESTRIANS	28
PEDALCYCLISTS	20
COUNT-PED-PED	48

O.S.I. BUSINESS FORMS

9756

TIME- 1- 1-88 THRU 12-31-88

REQD. PER. NO. 0001

LOCN- PICKUP ACC BY AGE GROUP
 CHR3- PASSENGER INJURY SEVERITY

COLS- PAINJSEV
 ROWS- PAAGEGR

BY: MATTSON
 PLANNING 0119

AGE-GROUP	* INJURY SEVERITY								TOTAL	PC	
PASSENGER	* NONE	FATAL	INCAP	N-TNC	POSS	UNK	INVAL				
0- 4	601	0	14	65	50	0	0			730	3
5- 9	588	0	17	70	46	0	0			721	8
10-14	605	1	20	76	51	0	0			754	9
15-19	1511	6	63	164	137	0	0			1877	21
20-24	955	1	41	110	90	0	0			1197	14
25-34	1023	5	50	107	107	0	0			1292	15
35-44	503	1	24	60	49	0	0			637	7
45-54	267	3	19	24	28	0	0			341	4
55-64	220	2	5	18	12	0	0			261	3
65-74	133	1	7	10	17	0	0			168	2
75&UP	58	1	7	6	7	0	0			79	1
INVAL	704	0	9	24	28	0	0			765	9
TOTAL	7169	19	278	734	624	0	0			8924	100
PERCENT	81	0	3	8	7	0	0			100	

NO. OF ACCIDENTS	6048
VEHICLES	11098
DRIVERS	10771
PASSFNGERS	11796
PEDESTRIANS	50
PEDALCYCLISTS	34
COUNT-PED-PED	34

7-47

REPORT TYPE

DATA ARRAY OF COLLECTED DATA ELEMENTS FOR SELECTED ACCIDENTS

DATE RUN: 1-18-90

TIME- 1- 1-87 thru 12-31-87
LOCK- PICKUP ACC BY AGE GROUP
CHRB- PASSENGER INJ SEVERITY

COLS- PAIJSEV
ROWS- PAAGEGR

REQD REC. NO. 0001
BY: MATTSON
PLANNING 0118

AGE GROUP	* INJURY SEVERITY	* TOTAL	* PC						
* FATAL	* INJUR	* N-INT	* POSS	* UNK	* INVAL				
0-4	662	3	8	00	43	0	0	795	9
5-9	551	3	6	53	48	0	0	661	7
10-14	575	0	13	72	5	0	0	713	8
15-19	1427	0	21	123	116	0	0	1858	21
20-24	1034	0	44	104	72	0	0	1266	14
25-34	1053	4	32	98	102	0	0	1295	15
35-44	457	4	12	37	47	1	0	580	7
45-54	272	1	12	35	33	0	0	366	4
55-64	245	1	12	27	81	0	0	281	3
65-74	117	0	0	12	20	0	0	158	2
TOTAL PICKUP	81	0	3	10	7	0	0	81	1
TOTAL INVAL	752	0	3	15	25	1	0	810	9
TOTAL	7095	23	242	627	606	1	0	8864	100
PERCENT	82	0	3	7	7	0	0	100	

NO. OF ACCIDENTS	6075
VEHICLES	11303
DRIVERS	10987
PASSENGERS	11513
PEDESTRIANS	38
PEDALCYCLISTS	23
COUNT-PED-PED	61

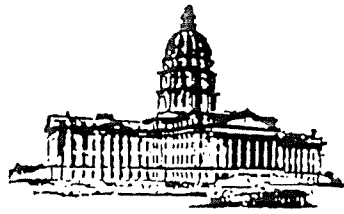
7-48

RD 5 (HT) WAG

RD 5 (HT) WAG

74
75
76

HARD W. RYAN,
DIRECTOR
JOHN F. BARRETT,
ASSOCIATE DIRECTOR
EDMUND G. AHRENS,
CHIEF FISCAL ANALYST



STAFF
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

THE LEGISLATIVE RESEARCH DEPARTMENT

ROOM 545-N, STATEHOUSE
PHONE: (913) 296-3181
TOPEKA, KANSAS 66612

September 10, 1986

Dear Representative

You asked for a response to the following questions concerning the riding in an open bed of a pickup truck.

1. What current statutes do we have which prohibit persons from riding in the open bed of a pickup truck?

Kansas has no law prohibiting people from riding in open cargo areas of a pickup truck.

2. Are there statistics available, either on a state or national level concerning accidents and injuries occurring that would apply to this particular subject?

I am enclosing some fatalities data from the National Highway Traffic Safety Administration. The data covers the years 1984 and 1985. It includes Kansas and national fatalities in pickup trucks.

3. Are there any federal regulations relative to this subject?

There are none.

4. Could you furnish examples from other states who have statutes that regulate riding in an open bed of a pickup?

I am enclosing examples from the states of California, Colorado, Delaware, Nevada, and New York.

I am also enclosing a copy of a proposal that was considered by the National Committee on Uniform Traffic Laws and Ordinances. The Committee

rejected the proposal for the various reasons listed in the Summary of Deliberations. There is additional information, however, that is useful in the Committee's deliberations, including model legislation and a summary of other states' laws.

I hope the information provided is useful. If you need additional information please let me know.

Sincerely,

Hank Avila
Research Analyst

HA/bd

Enclosures

Agenda for NCUTLO

National Committee Meeting

Washington, D.C.

November 27, 28 and 29, 1984

National Committee on Uniform Traffic Laws and Ordinances

555 Clark Street -- P.O. Box 1409

Evanston, Illinois 60204

30. WHERE PASSENGERS MUST RIDE

Proposal: Add a prohibition against riding in open-cargo areas of vehicles that are not being used for work-related purposes.

Subcommittee Recommendation: Reject the Proposal. (By a vote of 17-15.)

Summary of Deliberations: It was noted that many lower income families have a number of children and the only vehicle in the family is a pick-up truck. As a result the only way they can transport the family is with the children riding in the cargo area.

Another member noted that on Indian reservations in the Southwest the BIA purchases pick-up trucks about every three years for Indian families. This is done to provide water and other supplies to their dwellings. Many Indian families are large and a pick-up truck is their only means of transportation. Also the reservations are large and thus distances are long. It is unreasonable to restrict lower income families from riding in the back of pick-up trucks.

One member pointed out the draft covered only open trucks. This was questionable because of serious accidents with persons riding in the back of closed trucks and closed campers on pick-ups. Incidents were noted of a fraternity at the University of Virginia and a camper filled with wetbacks in Kansas.

Another question was raised about exclusion of employees in work-related activities. It is just as dangerous for workers to ride in the back of pick-ups.

On the other hand data from National Transportation Safety Board indicated it is very unsafe to ride in the back of pick-up trucks. This proposal is the result of a NTSB investigation of a 1979 accident involving a pick-up truck with 12 teen-aged occupants, eight of whom were riding in the open bed. The truck, traveling at a high rate of speed along a winding country road, failed to negotiate a curve to the left, ran off the right side of the road, and struck three trees located about seven feet from the edge of the pavement. Ten passengers were killed and one passenger was seriously injured; the driver was injured slightly.

The following is from the NTSB accident report:

Impact speed was so great that even if occupants had been wearing lap and shoulder belts, they would have had little or no chance of surviving the collision. The driver probably survived the collision because: (1) He was laterally farther away from direct contact with the trees; (2) he was ejected from the cab; and (3) other passengers

cushioned him from the interior of the vehicle. Passengers in the bed or rear of the truck had even less of a chance of surviving any type of high-speed collision because they had no belts available to use and had little or not protective shell to prevent passenger ejection or outside object intrusion. Data obtained from the NHTSA Fatal Accident Reporting System indicated that from 1975 to 1978, an average of about 4,200 persons per year were killed annually in pickup trucks. Of these, about 250 persons per year were riding in the bed of the pickup. After excluding fatal accidents in which only a driver was involved, 34 percent of the passengers riding in the beds of pickups were killed, while 28 percent of the drivers and passengers in the cab were killed. This accident reinforced these statistics. Those States with more than 25 fatalities in the bed of pickup trucks over this 4-year period included:

<u>State</u>	<u>Fatalities</u>
Arizona	49
California	131
Florida	63
Michigan	25
New Mexico	37
North Carolina	26
Texas	112

No State is known to have laws that prohibit riding in the bed of a pickup truck. The National Committee on Uniform Traffic Laws and Ordinances (NCUTL&O), whose function is to establish uniform traffic laws for the States and local communities, considered but did not adopt a model law that would have prohibited riding in any area of any vehicle where passenger seats and belts were not provided. The law was not adopted primarily because passengers could not occupy a standard seat in some work-related vehicles and the law could not be readily enforced for vans, campers, and other enclosed vehicles. However, the Safety Board believes that at least a law should be directed specifically to open-cargo area vehicles being used for nonwork-related purposes.

Draft:

Sec. 11-xxx Prohibit Riding in Back of Open Trucks

No person shall ride in and no driver shall knowingly allow a person to ride on any portion of or in any open cargo space of a vehicle which was not designed or intended or retrofitted for the conveyance of passengers. This section shall not apply to an employee engaged in work-related activities.

Staff Report: California, Florida and Delaware prohibit riding anywhere in a motor vehicle that is not designed or intended for passenger use. Wisconsin and the District of Columbia also have this provision, but they except employees engaged in the necessary discharge of their duties and persons riding within truck bodies in spaces intended for cargo or merchandise.

Colorado bans riding in any manner that will endanger the passenger or any person and requires passengers in the cargo area of a vehicle to be in a sitting position. In addition, the cargo area must be fully or partially enclosed on all sides.

Nevada and New Jersey ban riding on any part of a vehicle that is not designated or intended for passenger use. However, Nevada excepts a person or persons riding within truck bodies and space intended for merchandise.

Connecticut, Florida, Louisiana, Montana, Washington, West Virginia and the District of Columbia prohibit riding on the outside part of a vehicle such as a running board, fender, hood, top, bumper, etc.

New York has a law which requires seats, side racks and a securely closed tail board or tail gate in trucks for trips over five miles.

Another New York law prohibits a person from riding on or attaching himself to the outside of any vehicle being operated upon a roadway. However, there is an express exception for persons riding on the open, uncovered cargo area of a truck with the operator's permission.

Pennsylvania prohibits persons from riding on the outside of any vehicle.

In addition to the above state laws on this subject, a recent National Committee study on the traffic ordinances of the 100 largest cities in the United States ("Traffic Ordinances Study," Traffic Laws Commentary Vol. 10, No. 1, January 1981) shows that 65 of the 100 municipalities studied have a provision comparable to MTO Sec. 10-2. Four of the 65 do not mention any exceptions, two do not have the employee exemption; one has no truck exemption, another makes test engineers the exception, and two additionally exempt emergency vehicles.

Model Traffic Ordinance:

§ 10-2—Unlawful riding

No person shall ride on any streetcar or vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

7-54



State of Kansas

Joan Finney, Governor

Department of Health and Environment

Division of Health

Landon State Office Bldg., Topeka, KS 66612-1290

Reply to: _____

FAX (913) 296-6231

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

Testimony presented to
House Transportation Committee

by

The Kansas Department of Health and Environment

House Bill 2217

I am pleased to present testimony today in support of House Bill 2217 which prohibits people under the age of 16 to be a passenger on a vehicle in an area of the vehicle not intended for the use of passengers while it is in motion.

Motor vehicle-related trauma is the leading cause of death in children older than the age of one year in the United States. The physical, psychologic, and economic burdens of traumatic injury and death are enormous, not only for the victims, but for their families and society as well. The realization that a large percent of these deaths and injuries is preventable, intensifies the burden.

Nationally, in 1989, 1,465 child passengers under the age of 13 died in motor vehicle accidents. This number represents an 8% increase in the number of deaths that occurred in 1988. Fifty eight of the child passengers under age 13 died as a result of being in a cargo area or a location other than the front or rear seat.

A study conducted by the University of Utah School of Medicine which included a review of the medical records at Primary Children's Medical center in Salt Lake City, Utah, from May 1986 through September 3, 1989, evaluated risk associated with riding in the back of pickup trucks. This study revealed that 38% of the pediatric patients whose injuries were directly related to riding in the back of a pickup truck were injured in non crash events. Several reasons for the noncrash events were given. These included reaching for a toy or shoe, sharp turns, rough acceleration, sitting on cargo that dislodged, bumpy roads and quick stops. Clearly these injuries could have been prevented.

*House Transportation
2-19-91
ATTACHMENT 8-1*

Charles Konigsberg, Jr., M.D., M.P.H.
Director of Health
(913) 296-1343

James Power, P.E.
Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.
Director of the Kansas Health
and Environment Laboratory
(913) 296-1619

One concern of legislators has been that restricting the use of pickup trucks for passengers would hinder agricultural workers who need to use this type of transportation in rural areas. In the Utah study, however, 82% of the pediatric patients described above were from the metropolitan Salt Lake area, compared to 18% who lived in surrounding rural areas.

Data from the National Highway Traffic Safety Administration revealed that 22% of the pediatric pickup truck deaths in the United States in 1987 were associated with riding in the cargo area of a pickup truck vs. only 3% of the adult pickup truck deaths. These data illustrate the particular risk that this mode of transportation poses to the pediatric age group. Pickup accidents that involved fatalities increased 13% between 1985 and 1987. The increasing popularity of pickup trucks would lead one to expect that these grim statistics will continue to rise. (Overall sales of pickup trucks increased by 67% from 1980 to 1986)

The Kansas Department of Health and Environment supports passage of House Bill 2217. Injury and deaths that result from allowing children to ride unrestrained on areas of vehicles not intended for passengers can be prevented and should not be allowed.

Testimony presented by: Paula F. Marmet, MS, RD
Director
Office of Chronic Disease and Health
Promotion
February 19, 1991



Kansans for Highway Safety

FEBRUARY 18, 1991

REFERENCE HOUSE BILL NO. 2217
Unlawful riding on vehicles

The provisions of House Bill 2217 would be a positive step towards decreasing injuries and fatalities in our state that result from persons riding on areas of a vehicle that were not intended for passengers. The provisions of section one of this bill are nearly identical to the provisions in the Standard Traffic Ordinance 115(a) as published by the Kansas League of Municipalities and adopted by approximately three hundred Kansas cities. The difference between the wording in this bill and that of the Standard Traffic Ordinance is the limitation for this bill to apply only to those under 16 years of age. If this bill is passed the Kansas League of Municipalities would undoubtedly revise their ordinance to match the state law eliminating one of the areas of discrepancies between widely accepted city ordinance and state statute.

Although the state Department of Transportation is unable to provide exact statistics at this time of the number of people killed and injured each year in Kansas while riding on parts of the vehicle not intended for use by passengers, there have been several incidents that we can recall. One involved a small boy who fell out of a pickup with a camper shell on I-70 in Kansas City. The small child was not missed by the parents until they arrived at their home. By the time the incident was reported the remains of this child were hardly recognizable as the child's body had been struck numerous times by passing vehicles. Another involved an older passenger in Topeka that fell from the back of a pickup when it made a lane change. This passenger was also killed.

We believe that this bill would be improved if amended by removing the reference of age and let it apply to all person regardless of age.

As you know there is another bill, House Bill 2243, which has the same provisions as HB 2217 but applies only to pickup trucks. We believe that a law such as this should apply to all vehicles and not just pickup trucks. One of the issues that would not be addressed by limiting the law to pickups is the car surfing craze which involves a person standing on a moving vehicle as if surf boarding while the vehicle is being driven. Many accidents happen where persons are thrown from a passenger car that they were standing, sitting or laying on the hoods, trunks or fenders.

We urge the committee to recommend this bill favorably to the full house after consideration of the suggested amendments.

Ed Klumpp, President
4339 SE 21st
Topeka, Kansas 66607
Home:913-235-5619
Work:913-354-9450

*House Transportation
2-19-91
ATTACHMENT 9-1*



CITY OF TOPEKA

Department of Police
204 W. 5th Street
Topeka, Kansas 66603
Phone 913-354-9551

Sgt. John B. Sidwell
House Bill 2217

Thank you Mr. Chairman and the committee for allowing me to speak to you reference House Bill 2217. I am Sgt. John Sidwell with the Topeka Police Department. I have been employed by the department for the past 13 years. Since 1985 I have been reconstructing serious injury and fatality accidents.

The City of Topeka currently uses the Standard Traffic Ordinance reference riding on vehicles where not intended. We have had an ordinance for this since before I came on the department. I support the passage of this bill because of the need for uniformity between state statues and the STO's that many cities currently use.

As an accident reconstructionist I study accidents and attempt to determine what action we can take to stop an accident from occurring. Some accidents have easy answers and some are complex. One case in point I will relay to you so that it may help you see the importance of this bill.

On Aug. 31, 1986 a Ford Pickup was going north on Washburn and changed lanes suddenly. Here is a statement given to the Police from a witness. (Attached) This child was having a good time when he died from head injuries received in this accident. We have few of these accidents in Topeka due to our enforcement of this ordinance.

I have noticed that House Bill 2217 limits this to parties under the age of 16. While I understand the purpose of the age limitation I would like to see this wording deleted. With this wording it would be difficult for a law enforcement officer to enforce the law. On some occasions it would be difficult for the officer to determine the age of a passenger before stopping the vehicle.

I would like to forward two examples where the STO applies in Topeka but would not apply under House Bill 2217.

On 4-21-89 a Chev. Dump truck was going south on the Topeka Blvd. Bridge going about 30 mph. The bed of the truck contained a stack of 4' X 8" sheets of 2 inch insulation board. A 41 year old male was riding on top of the insulation board when a gust of wind blew them off. The male struck the guardrail and received serious injuries. In fact, if the subject had been 6 inches higher he would have gone over the guardrail.

*House Transportation
2-19-91
ATTACHMENT 10-1*

On 10-5-90 seven people were in a ford Pickup that was making a right turn from Adams onto 19th street. A 17 year old passenger in the bed of the truck had his hat blown off. He decided to jump out of the pickup and get his hat while the truck was moving. As he was jumping out of the pickup his foot got caught on the spare tire and he fell.

I realize that these two cases reflect some lack of common sense with these subjects but they are a prime example of the need for House Bill 2217 without the age requirement. Thank you for your time.

STATEMENT - TRAFFIC

NAME Terri Eagen		PHONE NO. 273-6986
ADDRESS 3212 Eveningside #10 Toper, Ia		
AGE 19	OCCUPATION waitress	BUSINESS PHONE 272-8040
<input type="checkbox"/> Driver	IN WHAT VEHICLE - Make and Year	WHERE SEATED, if passenger
<input type="checkbox"/> Passenger		
<input type="checkbox"/> Ped. hit	LOCATION WHEN EVENT OCCURRED	
<input checked="" type="checkbox"/> Witness	2300BK Washburn	
CONNECTION WITH DRIVER OR OTHERS INVOLVED witness		

<input checked="" type="checkbox"/> Accident	NUMBER	CASE OR FILE NUMBER 4792-86	
<input type="checkbox"/> Violation			
EVENT	ON Street or road 2300BK Washburn		
	AT Intersection with or distance from		
	IN City, County Toper, Shawnee		
HOUR	DAY	MONTH	
1833 p.m.	31	Aug	1986
MADE AT	MADE TO		
3212 Eveningside #10	Cpl. G. Robinson		
HOUR	DAY	MONTH	
1615 p.m.	4	Sept	1986

Statement made by above-named person:

I was North Bound in the right lane the third car back. I was going around 37mph. I first saw the pick-up when it pulled out onto Burlington from a side street on west side of street. He pulled out kind of fast to beat traffic. I noticed the two boys standing in the bed of the pick-up hanging onto the cab facing forward. They were yelling and screaming like they were having a good time. He was in the left lane I would say he was going around 40mph. He switches lanes really fast and the kid just flew out of the back of the pick-up. ~~As~~ As soon as I saw him fly out I stopped my car and ran up to where he was. He was lying on his back in the right lane about 20-30 ft from the curb. His head was by the curb and his feet were towards the west.

(X)

Terri Eagen

**STATE OF KANSAS
TOR VEHICLE ACCIDENT REPORT**

(Check One Box Only) Fatal Injury Property Damage Only OVER \$500
 Private Property Property Damage Only UNDER \$500

un
ent?

Milepost	COUNTY SN	ON Highway/Road/Street ADAMS	& Speed Limit: 35	CITY/TOWN Topeka	Photos By NONE	Local Case Number 6295-90	Sheet of 1/2
Distance	FVMI & Dir S.E. 19E	<input type="checkbox"/> FROM <input checked="" type="checkbox"/> AT Highway/Road/St	& Speed Limit: 30	Investigating DEPT. Topeka P.D.	Investigating OFFICER D. O'DELL #011	Reviewed By 184 024	
COLLISION DIAGRAM (Show Unit Movements, Roads, North Arrow)				DESCRIBE PRE-CRASH MOVEMENT or ACTION and DIRECTION of VEHICLES and PEDESTRIANS/PEDALCYCLISTS By Number		DATE of ACCIDENT	
				V1 518 ON ADAMS. WIND BLEW HAT OFF PASSENGERS HEAD WHO WAS RIDING IN BACK. PASSENGER ATTEMPTED TO JUMP FROM MOVING V1 TO GET HAT AS V1 STARTED TURNING LEFT. PASSENGER FELL OUT		10-5-90	
Object Damaged & Nature of Damage (Show Location in Diagram)				Name and Address of Object Owner		TIME Occurred & DAY	
				OF BACK OF V1		2120 FR	
						2206 FR	
						2210 FR	

ON Road	Cntl Sec	Sec. Milepost	Int #	AT Road	Distance	Unit	Dir	Latitude	Longitude
County	City Code	Agency Code	Distance	Reference Road 1	Distance	Reference Road 2	Coder	F A Code	
089	0610	N	M	+ E	M				
Unit	<input checked="" type="checkbox"/> Driver <input type="checkbox"/> Ped	NAME (Last, First and Initial)	Phone <input type="checkbox"/> Work <input type="checkbox"/> Home	Color	YEAR & MAKE of Vehicle	MODEL and BODY STYLE			
1		FREEMAN, DENNIS L.	232-2038	BLU+WHI	71 FORD	RANGER P14			
Driver/Ped ADDRESS (Number, Street, City, State, Zip Code)			STATE	LICENSE PLATE #	YEAR	Removed By:			
1813 PENNSYLVANIA TOPEKA KS, 66605			KS	BRU006	91	DRIVER			
DRIVER'S LICENSE STATE and NUMBER		CDL?	DATE of BIRTH	SEX	VEHICLE IDENTIFICATION NUMBER		Odometer		
KS			2-11-71	M	F10YKMD3647		-		
Registered OWNER FULL NAME ("Same" if Driver)			Phone <input type="checkbox"/> Work <input checked="" type="checkbox"/> Home	TOTAL number of vehicle occupants including driver	Fire?	Insurance Company			
FREEMAN, RICHARD, M.			232-2038	7	-				
OWNER Address ("Same" if Driver)			Special Data Area	Policy Number					
SAME									
Special Conditions (if any) for unit above: <input type="checkbox"/> 01 Hit & Run <input type="checkbox"/> 02 Non-Contact <input type="checkbox"/> 03 Stolen <input type="checkbox"/> 04 Parked <input type="checkbox"/> 05 Police Pursuit <input type="checkbox"/> 06 Driverless									

Unit	<input type="checkbox"/> Driver <input type="checkbox"/> Ped	NAME (Last, First and Initial)	Phone <input type="checkbox"/> Work <input type="checkbox"/> Home	Color	YEAR & MAKE of Vehicle	MODEL and BODY STYLE			
Driver/Ped ADDRESS (Number, Street, City, State, Zip Code)			STATE	LICENSE PLATE #	YEAR	Removed By:			
DRIVER'S LICENSE STATE and NUMBER		CDL?	DATE of BIRTH	SEX	VEHICLE IDENTIFICATION NUMBER		Odometer		
Registered OWNER FULL NAME ("Same" if Driver)			Phone <input type="checkbox"/> Work <input type="checkbox"/> Home	TOTAL number of vehicle occupants including driver	Fire?	Insurance Company			
OWNER Address ("Same" if Driver)			Special Data Area	Policy Number					
Special Conditions (if any) for unit above: <input type="checkbox"/> 01 Hit & Run <input type="checkbox"/> 02 Non-Contact <input type="checkbox"/> 03 Stolen <input type="checkbox"/> 04 Parked <input type="checkbox"/> 05 Police Pursuit <input type="checkbox"/> 06 Driverless									

Record ALL injured & uninjured vehicle occupants and pedestrians. For trains, record crew in control and injured passengers. See Code List.

TRAF UNIT	SEAT/TYPE	Last NAME	First Name	Initial	ADDRESS (#, Street, City, State, Zip.)	SEX	AGE	S.E. USE	Child Youth	EJCT TRAP	INJ. SEV.	EMS UNIT
1	0.1	DRIVER			SAME	M	19	L	-	N	N	-
1	0.2	GRAY	KRISTINA		UNKNOWN ADDRESS ON GOLDEN	F	17	N	-	N	N	-
1	0.9		MARY		UNKNOWN ADDRESS ON THOMAS	F	18	N	-	N	N	-
1	0.3		ROGER		UNKNOWN	M	18	N	-	N	N	-
1	0.8	GODIER	CHRISTOPHER		1908 MASSACHUTES TOPEKA KS	M	20	N	-	N	N	-
1	0.8	MITCHELL	DANIEL		1800 HUDSON TOPEKA KS.	M	22	N	-	N	N	-
1	0.8	DOUGLAS	RICHARD A.		705 FILLMORE TOPEKA KS.	M	17	N	-	E	I	A

E M S	Unit	INJURED TAKEN By:	INJURED TAKEN To:	E M S	Unit	INJURED TAKEN By:	INJURED TAKEN To:	E M S	Unit	INJURED TAKEN By:	INJURED TAKEN To:
A		DRIVER OF V1	STORMONT-VAIL	B				C			

INVESTIGATIVE REPORT

COUNTY SN	ON Highway/Road/Street ADAMS	CITY/TOWN Topeka	DATE of Accident 10-5-90	<input type="checkbox"/> Narrative & Diagram on FATAL ACCIDENT (Required by State) <input checked="" type="checkbox"/> Investigative Report	Sheet of 2/2
FOR STATE USE ONLY		INVESTIGATING DEPT. Topeka P.D.	TIME Occurred & DAY 2120 FR	Invest. OFFICER O'DELL	Local Case Number 6295-90

VI - I WAS SOUTH BOUND ON ADAMS, IN THE LEFT LANE, GOING 35 MPH. I WAS GOING TO MAKE A LEFT TURN ON 19TH STREET. I STOPPED AT THE INTERSECTION AND I WAITED FOR ONE CAR THAT WAS NORTH BOUND TO GO BY. I TURNED LEFT AT ABOUT 5 MPH AND AFTER I COMPLETED MY TURN, I LOOKED BACK IN MY MIRROR AND SAW RICHARD LAYING ON THE GROUND. I STOPPED AND WENT OVER TO HIM TO HELP. HE WALKED TO MY PICK UP AND I TOOK HIM TO THE HOSPITAL. RICHARD WAS RIDING IN THE BACK OF THE PICK UP. *Dennis Greenway*

PASSENGER - I WAS RIDING IN THE BACK OF HIS TRUCK ON A SPARE TIRE. THE WIND CAME OVER THE TOP OF ~~THE~~ ^{THE} TRUCK AND BLEW MY HAT OFF. I GOT UP AND I WAS TRYING TO JUMP OUT OF THE TRUCK WHILE THE TRUCK WAS MOVING. MY FOOT GOT CAUGHT AND I FELL OVER THE SIDE OF THE TRUCK AND HIT THE CONCRETE. *Richard Douglas*

CONTRIBUTING CIRCUMSTANCES - ^{DI} 88 - ALLOWING PASSENGER TO RISE WHERE NOT INTENDED

R/D WAS CALLED TO STORMONT VAIL TO INVESTIGATE ACCIDENT.

KANSAS DEPARTMENT OF REVENUE MOTOR VEHICLE ACCIDENT REPORT

1A1T

No. 4-21-89	City Year 0758	Time (military) notified	Day of week	Location County	SN	Location City	610	Reference Number	5805-1
No. 9-21-89	City Year 0801	Time (military) arrived	Day of week	On: Street/Road/Highway	Topoka Blvd Bridge	Mile Post	At: Street/Road/Highway	Safety Responsibility Number	
Reporting Officer	0808			If not at intersection	1777 X		5 1/2 of Gordon	State Accident Number	

Investigating Officer	A. Gonzales	Badge No.	033	Investigating Officer	M. Finley	Badge No.	042	Photos taken by	none	Investigating Agency	4
-----------------------	-------------	-----------	-----	-----------------------	-----------	-----------	-----	-----------------	------	----------------------	---

UNIT NUMBER 1	Owner's Name	WEATHERCRAFT CO. OF TOPEKA	Driver Name	KYLE, CLINT E.
Last 354-7290	Address: No. Street City State Zip	111 W. LYMAN TOPEKA, KS. 66601	Last First Middle	6400 SW 75 HWY TOPEKA KS 66608

Year/Make	Model & Type (4dr, etc.)	Vehicle Identification Number	Birthdate	Mo Day Yr.	Sex	Occupation			
CHEVY	CHEVY DUMP	CC EG 75V153976	07/31/64		M				
Odometer	License Plate	Exp. Date	KCC R/Pmt No.	See Codes on Overleaf	Lap Belt	Shoulder Harness	Head Restraint	Ejected	Injury Severity
65975	KS CJY 305	89	49678		9	9	0	0	0

Vehicle Damage	Circle nos. for damaged areas. Draw arrow for direction of initial impact.	Severity	Type of Vehicle being Towed	Driver's License	No. KS1 JBN9G3	Restrictions on License	
1 2 3 4 5 8	Towed Vehicle 19	No Damage 0	VIN or License Number of Towed Vehicle	Time Emergency Medical Service Notified	0803	Arrived	0807
13 Hood 14 Trunk 15	Motorcycle or Moped 20	Disabling 1	Owner's Liability Insurance Company Name	Injured Driver / Pedestrian / Bicyclist Removed	St. Francis	By	Mede Vac
12 11 10 9 8 7	Non Vehicle only 4	Functional 2	Policy Number	Vehicle Removal	See Codes On Overleaf	2	
18 Windshield 17 Undercarriage	Overtum 18	Other 3	Number of Occupants incl. driver				
16 Legally Parked	Legally Stopped	4	2				

UNIT NUMBER 2	Owner's Name	Driver Name
Last First Middle	Last First Middle	Last First Middle

Year/Make	Model & Type (4dr, etc.)	Vehicle Identification Number	Birthdate	Mo Day Yr.	Sex	Occupation			
Odometer	License Plate	Exp. Date	KCC R/Pmt No.	See Codes on Overleaf	Lap Belt	Shoulder Harness	Head Restraint	Ejected	Injury Severity

Driver Headed	PRIOR TO COLLISION	Driver 1	Driver 2	At Speed	Driver Stated	Estimated	Legal
1 N X S E W	On	Topoka Blvd Bridge		130			135

Chemical Test Results	Driver 1	Test type	Bal. 0.	Driver 2	Test type	Bal. 0.	Pedestrian	Test type	Bal. 0.
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OTHER PROPERTY DAMAGE	List other property damage or object hit in sequence of events during accident—(Fixed object, animal, railroad, pedalcycle, etc.)
Object and Nature of Damage (Show location in diagram of accident)	Name and address of owner

PEDESTRIAN/PEDALCYCLE	Last Name	First Name	Middle Initial	See Code	126 Sex	127 Age	128 In. Sfty.	And was:	129
								crossing at intersection, x/walk, or with signal	1
								crossing not at intersection, x/walk, or against signal	2
								riding, walking, standing, in roadway on _____ side	3
								playing in roadway	4
								other activity in roadway	5
								off roadway	6
								not stated (unknown)	7

Case # 17226-89

1907 11:09 (96) 075

ROAD SURFACE MATERIAL

1. Concrete 4. Gravel
2. Asphalt 5. Dirt
3. Brick 6. Other (Specify in Narrative)

ROAD ALIGNMENT/GRADE

1 on 1. Straight Level 5. Curve, Grade
2. Straight Grade 6. Curve, Hillcrest
2 at 3. Straight, Hillcrest 7. Not Stated
4. Curve, Level

ROAD SURFACE

1 on 1. Dry 5. Slippery (mud, oil, etc.)
2. Wet 6. Unknown
2 at 3. Water Concentration 7. Other (Specify in Narrative)
4. Snow/Icy

ROAD CONDITION

1 on 0. Normal 5. Soft/Washed/
1. Holes, Ruts, Bumps, etc. Sunken Shoulders
2. Loose Material on Surface 6. Obstruction—no warning
3. Const. Maint. Through or Adjacent 7. Other (Specify in Narrative)
2 at 4. Detour

TRAFFIC CONTROL

1 on 1. Stop Sign 6. No Passing Zone
2. Signal or Flasher 7. None Present
3. RR Gates/Signals 8. Not Operating
2 at 4. Warning Lights
5. Center Line/Edgemark

WEATHER

1. Clear 3. Rainy 5. Fog
2. Cloudy 4. Snowing/Sleet 6. Other (Specify in Narrative)

WIND CONDITIONS

1. Windy 3. Blowing Dust
2. Gusty 4. Other (Specify in Narrative)

LIGHT CONDITIONS

1. Daylight 3. Dark Street—Lights On
2. Dawn/Dusk 4. Dark—No Lights
5. Unknown

DEBRIS

Hazardous with Non-Hazardous with
1. Removal Problem 3. Removal Problem
2. Routine Removal 4. Routine Removal
5. Minimal or No Debris

HAZARDOUS MATERIAL BEING TRANSPORTED
(Identify in Narrative)

F. Flammable Liquid L. Ammonia
C. Corrosive Material T. Chlorine
E. Explosives D. Other (Specify in Narrative)
R. Radio Active Materials

TYPE OF ACCIDENT
(First Harmful Event)

Non-Collision Collision with another Motor Vehicle
A. Overtake C. In Transport—Same Roadway
B. Other D. In Transport—Other Roadway
E. Parked
F. Railway Train
G. Pedestrian
Collision With Other Than A Motor Vehicle
H. Pedalcycle K. Fixed Object
J. Animal L. Other Object

CODES

VEHICLE NUMBER as assigned 1, 2. WITNESS (not a pegr)—W

SEAT POSITION

Passenger Car Seats
Station Wagon, rear or side facing, all
Motorcycle passenger
Occupant of a truck, bus or other vehicle
Position Unknown

—1 to 6
—7
—8
—9
—0

Lap Belt and Shoulder Harness
(each side to be coded)

Not Installed 0
Not Fastened 1
Fastened, properly adjusted 2
Fastened, not properly adjusted 3
Failed 4
Unknown if used 5
Not applicable (e.g.) Motorcycle Moped 9

CHILD RESTRAINT

Not Installed 0
Fastened Properly 2
Not Fastened 3
Failed 4
Unknown if Fastened 5
Not Applicable 9

INJURY SEVERITY

No Injury 0
Fatal 1
Incapacitating 2
Non-Incapacitating 3
Possible 4

VEHICLE REMOVAL

Towed Away 1
Driven Away 2
Remained 3
Unknown 4

EJECTED FROM VEHICLE

Fully 1
Partially 2
Unknown 5
No 0

CHEMICAL TEST CODE

Refused R
Breath L
Blood N
Not Given N

HEAD RESTRAINT

Not installed—0
Adjusted to proper height—2
Not adjusted to proper height—3
Failed—4
Unknown if adjusted—5
Not applicable—9

ACCIDENT SEVERITY

Most Severe Injury

0. No Injury
1. Fatal
2. Incapacitating
3. Not Incapacitating
4. Possible

MOST SEVERE DAMAGE

0. No Damage
1. Disabling
2. Functional
3. Other to vehicle
4. Non-Vehicle only

TOTAL NUMBER OF VEHICLES INVOLVED

ACCIDENT TOTALS
Total number of people involved (enter number in square)

ACCIDENT TOTALS
Number of pedestrians/pedalcycles (enter number in square)

ACCIDENT TOTALS
Total Fatalities (enter number in square)

ACCIDENT TOTALS
Total Injuries (enter number in square)

ACCIDENT TOTALS
Was the total apparent damage (Vehicle and other \$500 or greater)?
1. Yes 2. No

INVESTIGATING AGENCY

K. Kansas Highway Patrol
S. Sheriff M. City Marshal
P. Police O. Other

SPECIAL FEATURES AT LOCATION

0. None 3. Ramp
1. Bridge 4. Railroad Overcross
2. Railroad Crossing 5. Interchange

ROADWAY LOCATION

1. On Roadway 2. Off Roadway

RELATION TO JUNCTION/INTERSECTION

0. Nonjunction 2. Intersection Related
1. Accident 3. Driveway Access
1. Intersection

SPECIAL INFORMATION

0. None 2. Police Pursuit
1. HR and Run

PRINCIPLE CONTRIBUTING CIRCUMSTANCES

1. Driver Condition 4. Vehicle
2. Human Behavior 5. Unknown
3. Environment 6. None

TYPE OF MULTI-VEHICLE COLLISION

1. Head-on 5. Side-swipe-passing
2. Rear end 6. Backed into
3. Angle
4. Side-swipe-meeting

DRIVER ACTION APPEARED TO

1. A. Go Straight, Follow Roadway
2. B. Change Lanes or Overtake
3. C. Slow or Stop
4. D. Remain Stopped in Traffic Lane
5. E. Start Forward from Stop/Park
6. F. Back Up From Stop/Park
7. G. Turn Left
8. H. Turn Right
9. J. Turn U
10. K. Remain Parked
11. L. Other (Specify in Narrative)

DRIVER ACTION
—Apparently Contributing (3 choices/driver)

A. Illegal or Unsafe Speed
B. Impeding Traffic
C. Following Too Closely
D. Improper Overtaking
E. Improper Turn
F. Improper Stop/Start/Park
G. Traffic Control Violation/Lights
H. Traffic Control Violation/Signs
J. Failed To Yield ROW
K. Drove Left of Center
L. No or Improper Signal
M. Inattention
N. Avoiding Vehicle/Object/Pedestrian
P. None
Q. Other (Specify in Narrative)

DRIVER/PEDESTRIAN CONDITION PRIOR

1. Physical defect 6. Had apparently used medication
2. Ill 7. Prescription drug
3. Fatigued 8. Illegal drugs/narcotics
4. Apparently asleep 9. Alcohol
5. Apparently normal 0. Other (Specify in Narrative)

ALCOHOL INTAKE
—Complete this section if alcohol was checked in 115 or 122
Had been drinking

1. Accident factor AF
2. Not an AF
3. Unknown if AF

COORDINATION TEST

0. Not given
1. Given at accident
2. Given elsewhere

Conclusion: Ability to drive/walk

0. Not impaired
1. Impaired

VEHICLE DEFECTS
—Apparently Contributing (3 choices/driver)

A. None Apparent
B. Brakes
C. Headlights
D. Tail lights
E. Brake (stop) lights
F. Turn Lights
G. Windshield Wipers
H. Tires—Flat
J. Tires—Worn
K. Slipping
L. Other (Specify in Narrative)
M. Modified Vehicle

VISIBILITY

0. Vision Not Obscured
1. Rain, Snow, Fog, etc.
2. Windshield or Car Loading
3. Trees, Signs, Fixed Objects
4. Parked/Moving Vehicles
5. Blinding Headlights, Sun, etc.
6. Darkness
7. Other (Specify in Narrative)

MOTORCYCLE/MOPED
Driver instruction from:

1. Dealer 4. Unknown
2. Approved school/MC drivers education 5. Self education
3. Friend 6. Other (Specify in Narrative)

MOTORCYCLE OPERATED—REGISTERED OWNER

1. Owned 3. Borrowed 5. Unknown
2. Rented 4. Stolen

SAFETY EQUIPMENT—REAR VIEW MIRROR INSTALLED

0. No 1. Yes 2. Not Known

SAFETY EQUIPMENT—PASSENGER FACILITIES

0. No Passenger Involved 3. Foot rest only
1. Passenger involved 4. Neither seat nor foot rest provided with seat 5. Unknown
2. Seat only

PROTECTIVE EQUIPMENT

0. None
1. Not Worn
2. Worn—not strapped
3. Worn—not damaged
4. Worn—damaged
5. Unknown

Q 40

BARBARA LAWRENCE
REPRESENTATIVE, 84TH DISTRICT
SEDGWICK COUNTY
315 N. ROOSEVELT
WICHITA, KANSAS 67208
(316) 685-8241



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: FEDERAL AND STATE AFFAIRS
GOVERNMENTAL ORGANIZATION
JUDICIARY
TOLL FREE No. 1-800-432-3924

TO: House Transportation Committee
FROM: Barbara Lawrence
DATE: February 19, 1991
RE: H. B. 2205

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you in support of H.B. 2205.

H.B. 2205 amends the child passenger safety act which deals with automobile safety restraints for children.

This bill mandates the payment of the \$10 fine and court costs, as well as proof of purchase of an approved child passenger safety restraining system.

Heretofore, the fine has been waived if proof of purchase of restraining device has been produced.

The purpose of this bill is to give a stronger incentive to all motorists to make sure every child riding in the car is safely restrained.

In 1989, 18 children were killed in Kansas traffic accidents. Fifteen of those children were unprotected by seat belts or restraint devices. I believe this mandate would lower this figure significantly. The preventable death of only one child is reason enough for this measure.

I ask for the Committee's favorable consideration of H.B. 2205.

*House Transportation
2-19-91
ATTACHMENT 11-1*



State of Kansas

Joan Finney, Governor

Department of Health and Environment

Division of Health

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

Landon State Office Bldg., Topeka, KS 66612-1290

Reply to: _____

FAX (913) 296-6231

Testimony presented to
House Transportation Committee

by

The Kansas Department of Health and Environment

House Bill 2205

I am pleased to provide testimony today in support of House Bill 2205, which proposes to increase the penalty for violation of the child safety restraint law. Data from the Kansas Department of Transportation indicate that in 1989, twenty-six children under the age of fourteen died in traffic accidents in Kansas. 1989 data also show that 24% of children who were injured in an accident were not restrained, compared to 7% injured who were in a child restraint. These Kansas Data are consistent with the findings of the National Highway Traffic Safety Administration which show that, when used correctly, child passenger protection devices are 71% effective in preventing death and 67% effective in reducing the need for hospitalization resulting from injury. The benefits of safety restraints is probably best illustrated in the growing number of children's lives saved as more states have mandated use of safety restraints. Nationally, in 1989, the annual number of children's lives saved has increased from 75 in 1982 to 213 lives saved in 1987.

Currently, in Kansas, the \$10 penalty and court costs for drivers charged with violations of the child safety restraint law can be waived if that driver provides proof of purchase or acquisition of a restraint within an allotted amount of time following receipt of the citation. House Bill 2205 proposes to remove that waiver.

The Kansas Department of Health and Environment recommends passage of H.B. 2205. If drivers know that a fine will be imposed for failure to provide a child safety restraint, they may be motivated to purchase and use the child safety restraint before a citation is issued. This equates to fewer unnecessary deaths and injuries. In order to protect all children, we further recommend that the bill be amended to include all passenger vehicles.

Testimony presented by: Paula F. Marmet, MS, RD
Director
Office of Chronic Disease and Health Promotion
February 19, 1991

House Transportation
2-19-91
ATTACHMENT 12-1

Charles Konigsberg, Jr., M.D., M.P.H.
Director of Health
(913) 296-1343

James Power, P.E.
Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.
Director of the Kansas Health
and Environment Laboratory
(913) 296-1619



Kansans for Highway Safety

February 19, 1991

Testimony before the House Transportation Committee
House Bill 2205 amending the child passenger safety act

It is the position of our organization that the provisions of 8-1345 (b) which waive the fine and court costs when proof of the purchase of a child seat is provided to the court has outlived its usefulness. The provision was good for a period of education of the public. However, there is no excuse for a motorist to not know that a child restraint law exists in Kansas and therefore there is no longer a need for this provision in the law.

The provision in the bill in section (b) as it would be amended seems to be an unenforceable provision. It would require that a person found guilty would still have to provide proof of purchasing or acquiring a child restraint device. There is no provision however for a person who does not show such proof. Perhaps a provision that would allow a higher fine on line 17 and then allow that fine to be reduced to \$10 if proof of acquiring a device is shown to the court.

The best would probably be to just drop any reference to providing proof of acquiring a device.

We support this bill in concept and urge the committee to consider our recommendations.

Ed Klumpp

House Transportation
2-19-91
ATTACHMENT 13-1

FOR FURTHER INFORMATION CONTACT:

TERRI ROBERTS, J.D., R.N.
EXECUTIVE DIRECTOR
KANSAS STATE NURSES' ASSOCIATION
700 S.W. JACKSON, SUITE 601
TOPEKA, KANSAS 66603-3731
(913) 233-8638

February 19, 1991

H.B. 2205 - CHILD PASSENGER SAFETY ACT, PENALTIES

Chairperson Dillon and members of the House Transportation Committee, my name is Canda Byrne, R.N., M.N., and I am presently an administrative clinical nurse specialist at Menninger. I have been in the field of nursing for 21 years and I am here today representing the Kansas State Nurses' Association.

H.B. 2205 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 occupancy restraint devices in an automobile collision. Kansas was one of the first states to enact a Child Passenger Safety Act in 1981 and we support the proposed changes today to require the payment of the ten dollar fine and the proof of acquisition of a child restraint device.

In 1989 the seat belt provisions were strengthened significantly and this would further enhance the statute. Parents and family members must realize that children who are not properly restrained are at great risk. These children are dependent on drivers for their safety. Strengthening the penalties section is a strong public policy statement and a positive step towards reducing injuries to children in automobile crashes.

hb2205.tr

1991 Testimony

Kansas State Nurses' Association • 700 S.W. Jackson, Suite 601 • Topeka, Kansas 66603-3731 • (913) 233-8638

Constituent of The American Nurses Association

Joan Sheverbush, M.N., R.N., C.—President • Terri Roberts, J.D., R.N.—Executive Director

*House Transportation
2-19-91
ATTACHMENT 14-1*