

Approved 3-11-91
Date

MINUTES OF THE House COMMITTEE ON Transportation

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

1:32 ~~XX~~ a.m./p.m. on February 26, 1991 in room 519-S of the Capitol.

All members were present except:
Representative Delbert Gross - Excused

Committee staff present:
Hank Avila - Legislative Research
Tom Severn - Legislative Research
Bruce Kinzie - Revisor of Statutes

Conferees appearing before the committee:

Rick Borsella - ABATE
Steve Blythe - Council Grove, Ks.
Kenneth McNeill - ABATE
Rick Davis - Honda Motorcycle Dealer, Topeka
Ray Petty - Executive Director of Lawrence Independent Living
Resource Center
Glen Yancey - Acting Commissioner Rehabilitation Services
Chip Wheelen - Kansas Medical Society
Joe Furjanic - Executive Director Ks Chiropractic Assoc

Chairman Dillon called the meeting to order.

Continued Hearing on HB 2129.

An act concerning motorcycles and motorized bicycles;
relating to equipment required for operators and riders.

Chairman Dillon introduced Rick Borsella who testified in
opposition of HB 2129. (Attachment 1)

Chairman Dillon introduced Steve Blythe who testified in
opposition of HB 2129. (Attachment 2)

Questions and discussion followed.

Chairman Dillon introduced Kenneth McNeill who testified in
opposition of HB 2129. (Attachment 3)

Chairman Dillon introduced Rick Davis who testified in
opposition of HB 2129. He stated the Kansas Motorcycle Industry
Council strongly supports the voluntary use of helmets but
supports the belief that adult riders have the right to make
the personal decision regarding the use of helmets.

Charlene M. Aubert submitted written testimony on HB 2129.
(Attachment 4)

Joan Lyons submitted written testimony on HB 2129. (Attachment
5)

John Cook submitted written testimony on HB 2129. (Attachment
6)

End of Hearing on HB 2129.

HB 2366 - Accesible parking for persons with a disability.

Chairman Dillon introduced Ray Petty who testified in support
of HB 2366. (Attachment 7)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S Statehouse, at 1:32 ~~AM~~ p.m. on February 26, 1991

Questions and discussion followed.

Chairman Dillon introduced Glen Yancey who testified in support of HB 2366. (Attachment 8)

Questions and discussion followed.

Chairman Dillon introduced Chip Wheelen who testified in support of HB 2366. (Attachment 9)

Questions and Discussion followed.

Chairman Dillon introduced Joe Furjanic who testified in support of HB 2366. (Attachment 10)

Kevin Siek submitted written testimony on HB 2366. (Attachment 11)

Hearing ended on HB 2366.

Final action on the following:

HB 2106 - Allowing use of Blue lights on Emergency Vehicles.

Representative Everhart made motion to amend HB 2106 to allow alternate flashes of red and blue lights in combination on all emergency vehicles. Representative Shallenburger seconded. Motion carried.

Questions and discussion followed.

Representative Correll made motion to pass HB 2106 as amended. Representative Garner seconded. Motion carried.

HB 2205 - Child Passenger safety act, penalties.

Representative Parkinson moved to amend HB 2205 by placing the child restraint safety act under the traffic citation provisions. Representative McClure seconded. Motion carried.

Questions and discussion followed.

Representative Correll made motion to table HB 2205 and Representative Smith seconded. Motion carried to table HB 2205.

HB 2217 - Prohibiting unlawful riding on vehicle.

Representative Freeman made motion to report HB 2217 unfavorable. Representative McKechnie seconded. Motion carried.

SCR 1605 - Urging KDOT to temporarily discontinue construction or reconstruction on U.S. Highway 75.

Representative Smith moved to pass SCR 1605 and Representative Shore seconded. Motion carried.

Representative Garner, Representative Everhart and Representative McClure wanted to be reported as voting "NO" on SCR 1605.

Meeting adjourned at 2:40.

GUEST LIST

COMMITTEE: HOUSE TRANSPORTATION COMMITTEE

DATE: 2-26-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Kenneth Willbourn	Topeka	KDOT
Bruce A Silkey	Lawrence	Abate of Ks
Don Silkey	TOPEKA KS	SHULTER INS CO
Tom Stagle	P.O. Box 1846 Manhattan, Ks 66502	ABATE 15
David Mitchell	1443 Wildcat Crk. Rd. ⁶⁶⁵⁰² Manhattan	Pres. Blue Valley Riders NYC 40 members
Ray Pitts	1910 Haskell ^{Lawrence} ⁶⁶⁰⁴⁶	INDEPENDENCE, INC.
Judy Doyle	3402 N. Topeka	ABATE 4
Rick Brown	" "	ABATE 4
Stuart Rhythe	82 Box-25 Lawrence, Ks	Farmer
Paula L. Deussen	Topeka	League of Kansas Municipalities
Chad Nelson	Des Moines	
John Springs Tube	Lawrence	ABATE 1
Pet Robinson	Topeka	
Inesa Allen	4718 S.E. Hwy. 40 Topeka	
Darrell Hawk	5780 Richards Cir ⁶⁶²¹⁶ Shawnee, Ks	Hanley Owners Group / ABATE
Terry Nune	1180 Medford Topeka, Ks	ABATE #4
Peter Forst	211 NE Fairchild Topeka	
Robert Forst	Peru (Independence) Ks	
Thomas Prober	Peru, Ks	ABATE #3
Chip Wheeler	Topeka	Ks Medical Soc.
Norlene Mann	McLouth	ABATE of Ks
Kenneth A. Murr	Pray, Ks	ABATE OF Ks
Rick Borsella	Kansas C. Ty Ks	ABATE OF Ks
KEITH R. LANDIS	TOPEKA	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS

GUEST LIST

COMMITTEE: HOUSE TRANSPORTATION COMMITTEE

DATE: 2-26-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
James Van Sickle	Topeka	KDOT
Brett Wilson	KCK	ABATE OF KS
James Wilson	KCK	ABATE OF KS DIST #5
Penny Zellman	2426 Brushcreek Lawrence	representing self
Dorel Kahl	1400 W 31 st N 22 Lawrence, Ks.	"
Ken Sjodsell	Topeka	KDOT
Chris Confield	"	"
HARRY HAMMER	"	
GARY SPRAGUE	YATES CENTER	ABATE OF KANSAS
Dusty Drake	" "	" "
Gene Mann	McGonk, Ks.	ABATE of Ks.
Edna Bersella	7047 Reav. Rd. K.C., Ks.	Abate of Ks.
Gina Murphy	15 S. 19TH ST. KANSAS CITY, KS. 66108	Abate of MO Dist #5
Charles A. Dulcet	9540 N 13 th Topeka KS 66618	Abate Dist #4
Jim Schleif	7355 Lost Creek Rd. Bellevue, KS 66407	Abate Dist 15 M.R.F.
RANDY HATCH	930 KEANERY Manhattan, KS 66502	ABATE M.R.F.
Nancy Woodward	3817 ROCKY MOUNT AV MANHATTAN KS 66502	ABATE DIST 15
Ronald K Becker ^{Kanran} _{Crainfill}	5370 B Macke Opks 66202	Abate #5
Donald A Koehler	2801 N 43 Kansas City, Ks	ABATE #5
Jan Ayms	2011 S. 11 th KCMO	7000 ABATE #5 MSF
Kristie K. Koehler	8821 W. 43 rd KCK	ABATE DIST #5 KS.
Chris Cox	RTE 1 Box 180C ALMA KS 66401	ABATE of NE ALMA
Donald W Mock ^{jr}	106 NW HWY 24 Lot ^{Topeka} KS	Abate of KS #5 ^T
James R Hampton	Linwood, KS	concerned citizen
Craig Fisher	5946 Country Lane Rd KCK 66106	ABATE 5

FEB. 21, 1991

LADIES AND GENTLEMEN OF THE TRANSPORTATION COMMITTEE AND CONCERNED GUESTS;

MY NAME IS RICK BORSELLA, I AM DISTRICT 5 REPRESENTATIVE FOR ABATE OF KANSAS, WHICH COVERS WYANDOTTE, JOHNSON, MIAMI AND LYNN COUNTIES.

I AM A MEMBER OF SEVERAL MOTORCYCLE RIGHTS ORGANIZATIONS (AMERICAN MOTORCYCLE ASSOC., MOTORCYCLE RIDERS FOUNDATION, FREEDOM OF THE ROAD RIDERS, AND BROTHERS OF THE THIRD WHEEL), AND A REGISTERED VOTER.

SUBJECT:

WE WOULD LIKE TO SHOW SUPPORT AND CONCERN FOR THE ORIGINAL HOUSE BILL 8-1598 AND TO SHOW OPPOSITION TO AMMENDED HOUSE BILL 2129.

WE AS A MOTORCYCLE RIGHTS ORGANIZATION UNDERSTAND THE CONCERNS ABOUT MOTORCYCLE SAFETY AND THE IMPORTANCE OF EDUCATION AND THE FUPHTER REDUCTION OF SERIOUS INJURIES.

WE FEEL THAT EDUCATION OF MOTORCYCLE RIDERS YOUNG AND OLD IS THE BEST ANSWER TO THE PROBLEM OF MOTORCYCLE SAFETY. PUBLIC AND COMMUNITY AWARENESS IS THE GOAL USED BY THIS DISTRICT.

LADIES AND GENTLEMEN, WE ASK YOU TO CONSIDER EDUCATION AND AWARENESS OF THE MOTORING PUBLIC RATHER THAN MANDITORY HELMET LAWS.

THANK YOU

Rick Borsella
RICK BORSELLA

DISTRICT # 5 REPRESENTATIVE

ABATE OF KANSAS

MIAMI, LYNN, JOHNSON AND WYANDOTTE COUNTIES IN KANSAS

*House Transportation
2-26-91
ATTACHMENT 1-1*

WE OPPOSE HOUSE BILL #2129, THE REMOVAL OF 6 WORDS "UNDER
THE AGE OF 18 YEARS".

NAME ADDRESS ZIP.

Mauris O. Bliss 10803 W 75th SHAWNEE KS. 66214
Regina Michalowski 8001 W. 85th Terr O.P. 66212
Mark A. Hunt 8001 W. 85th Terr O.P. Ks. 66212
Monty J. Humbert 8233 Hadley O.P. Ks. 66204
Laura L. Clark 8005 W. 85th Terr. O.P. Ks 66212
Ray J. Hulbert 8001 W. 85th Terr O.P. KS 66212
Lash Clark 8005 W 85 TERR O.P.K. 66212
Leslie J. Martin 8001 W. 85th Terr O.P.Ks. 66212
Brian B. Tolbert 7337 W Palmer O.P. Ks. 66204
Michael A. Blair 8238 Woodward O.P. Ks 66204
Tweta K. Blair 8238 Woodward O.P. Ks. 66204
Joe [unclear] 6720 Becky 308 Shawnee KS 66203
Matthew W. Denny 8232 Woodward O.P. Ks 66204
James E. King 2300 S 8th ST KCK 66103
Paul Bliss W 50th Roffark Ks

- 29 Basil Walker 713 S. Valley K.C.K. 66105
- 30 Janice K. Johnson 713 S. Valley K.C.K. 66105
- ~~Marijane Conway~~ ~~9548 Swartz Edw. Ks. 66111~~
- 31 ~~John W.~~ ~~713 S. Valley~~
- 32 ~~Jerry Guice~~ ~~904 E 10th K.C.K. 66102~~
- 3 ~~John Ford~~ 1128 Custer KCK 66105
- 4 Cecil Chappell? 814 1/2 South 12th K.C.K. 66105
- 5 Ted Jess (smiley) 1107 S. Lawrence
- 6 Bill J. Corbin 2100 N 43rd St K.C.K.
- 7 JOHN R. SCHWABEL 9544 WEST 86TH STREET
- 8 Edward Morkal OVERLAND PARK KANSAS 66212
- 9 Joe Bonas 1271 Shawnee Ave. ~~K.C.K. 66105~~
- 40 Dennis B. 8402 Harmon Ave. KCK 66112
- 1 Dennis S. Lopez 728 So 9th KCK 66105
- 2 Marijane Conway 9548 Swartz Edw. Ks. 66111
- 3 John Wark 1266 Inasbrook KCK 66105
- 4 Dorothy Morkal 1213 Inasbrook KCK 66105
- 5 Len W. Pealley 9531 HOWELL O P KS 66212
- 6 Frederick A. Thomas 3112 Freeman K.C.K. 66102

88 Richard D Coven
5534 Miami
KCK 66106

7 DAVID T. MALETA
7316 PARALLEL
K.C.KS 66112

9 Phillip Martin
2105 N 42nd
KC KS 66104

8 Eugene M Underwood Jr
1134 N 32nd
KCK 66102

90 Ron Tibbits
5807 Rowland
K.C. KS. 66104

9 Sue Harmon Underwood
1134 N. 32
KCK 66102

1 Harold White
1912 N. 57th ST
K.C. KS 66102

100 Michael Wicks
1033 S.W Blvd
KCK.

✓ Trent Overton
4543 Parkview
K.C. KS 66104

1 W. Dean Weas
417 S Mulberry
Ottawa KS 66067

3 Joseph & Rany
2100 So Mill St
Kansas City Kan 66103

✓ Rick Backman PA
10396 W 66th St
Shawnee KS 66203

4 Chris Albrecht
1519 N. 51st
KCKS 66102

3 James A Milligan
1279 Metropolitan
KC K 66103

5 Steve Cuthbert
24503 W. 86 Terr
Lenexa K.S. 66227

4 Pat McDaniel
1279 METROPOLITAN
KANSAS CITY, KS 66103

6 Eugene F Nagel
2812 So 46th St
KCK. 66106

5 Karen Couts
4814 Melody Ln.
KCKS 66106

6 David J Cheaney
4814 Melody Ln.
KCKS 66106 1-4

107 David Houghtaling
1901 S Boeke
K.C. KS 66103

8 John Q. Dressler
700 5010th St.
Edwardsville Ks.

9 Debbie M. Gumm
4440 August Lane
Kansas City, Kansas 66106

110 Stanley W. Taylor
2524 North 93 Ave
Kansas City, Kansas

1 Calvin Young
5924 Richmond
KCKS 66102

✓ Bill Wright
11007 Georgia Ave
KCK 66109

3 Doyle Elliott
2008 N 56 TERP
KCK
66104

4 Trent Wiles
4826 Catherine Ave
K.C., Ks 66102

5 Anthony Lopez
5754 GREELEY
K.C., Ks. 66109

6 Gary Butler Jr
2801 North 123rd
K.C.Ks. 66109

7 Ray Porras
1034 Shawnee Ave
KCK 66105

8 Annette J. Wiles
4826 Catherine Ave
K.C.Ks. 66102

9 Rodney Hicks
3105 Hagemann
K.C.KS. 66106

120 Stanley Lopez
5754 GREELEY
KANSAS CITY Ks. 66109

1 James J. Orth
316 N 15th
Kansas City Kansas 66102

2 Bruce R. Randocph
1860 N. 37th
KANSAS CITY, KANSAS 66102

3 Vernon L. Woodard
7124. Haskell
Kc, Kansas 66009

4 Monte Cox
P.O. Box 13605
Edwardsville, Ks, 66013

1. Larry Stull 1415 Ruby KCKs.
2. Don Puro 1420 W 26th KCKs.
3. Gary Williams 281201 Hacienda, Lawrence, KS
4. David Link 2620 Yates K.C.Ks.
5. Stephen T. Pratt R+3 Box 477 Leav. KS 66088
6. John Payne 4762 Canterbury Shawnee KS 66205
7. Ojano 29080 W. 95th DeSoto KS. 66018
8. Kim Armstrong 6554 Tauramee K.C.K. 66102
9. Mike Estrada 6554 Tauramee K.C.K. 66102
10. Jim Wapley 4845 W 62 Mission KS 66205
11. ~~Bob Feltz~~ 416 Beach EDWARDSVILLE KS 66111
12. Albert Hall 1506 N. 29th K.C.Ks 66102
13. Victor D. Johnson 1017 Indiana Lawrence KS. 66044
14. Dana Harris 2924 N. 60th Kansas City KS 66104
15. Ed Jan 29080 W. 95th DeSoto, KS. 66018
16. Sylvester Patrick 1820 N. 48 KCKS 66102
17. Brent A. Hamilton 4762 Canterbury SM KS 66205
18. Sean Mahan 3740 Cambridge K.C. KS. 66203
19. William Delaney 28195 9th + 26 st. KC 155 66106
20. Cindy DeVan My 1120 5th St. KS 66108
21. Lana A. Francis 1415 Ruby KCKS 66103
22. Nelia Huse 1640 So Baltimore KCK 66103
23. Mark O'Bryan 1640 S. Baltimore KCKs 66103
24. Ronny Goodson 4140 Booth St. K.C.K. 66103
25. B.H. McManis 6508 Longy Shawnee, KS 66212
26. Kent Lutz 4123 Oxford Rd. P.V. KS. 66208
27. Wm Wyrick 1010 Hesterbrook KCKS 66105 1-6
28. Leo Beets 1127 N 32 KCK 66102

29 Dan Kelly
30 Robert Spalding

914 S. 11th
631 N. 29th

KC. KS
KC. KS 66102

1	Green Hills	1000 N. 29th St. KC, MO
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26	Green Hills	1000 N. 29th St. KC, MO
27	Green Hills	1000 N. 29th St. KC, MO
28	Green Hills	1000 N. 29th St. KC, MO

NAME

ADDRESS

ZIP

125	James W. Boy	451 14th St	K.C.Ks.	66102
6	Vicki Nelson	7540 Low. Rd.	KCKs	66109
7	Mike Sabelko	2334 N 63rd St	K.C.Ks.	66104
8	Lisa L. Jirio	3014 N. 62 nd	K.C.Ks	66104
9	David S. Sarrett	12 S 15th	K.C.Ks	66102
130	Yonnet A. Myers	96 So. 15	KCKs	66102
1	Kim Fleckman	3100 S. 35 th	KCKs	66106
2	Lyellon Herdy	4935 Swartz	KCK	66106
3	Dan Phillips	350 S. 59 th Lot 49	KCK	66111
4	Shirley Riley	350 S. 59 th Lot 49	KCK	66111
5	Monica J. Dick	1619 S. 38 th	KCK	66106
6	Tom Bergerhofen	2542 S. 52nd	K.C.Ks	66106
7	Lynsa Lopez	39 N. 80 th Ter	K.C.Ks.	66411
8	Roy Lynden	615 N 141 st	KCK KCKs	66012
9	Sandie Ross	615 W 141 st	Bonner Sq. S. S.	66012
140	Jim Stanton	8081 Rowland	KCK	66109
1	Lawrence McCard	400 S 68 th	K.C.K	66111
2	Susan Hutch	205 North 25 th	K.C.K.	66102
3	Bob Sew	RT 4 Box 1721	Excelsior Springs	64024
4	Tim Demann	1820 S. 22 St	KCK	66103
5	Sheryl Smith	1530 N. 45th	KCK	66102
6	Curtis Myers	1530 N 65	KCK	66102
7	Evel Helman	2840 Stone	KCK	66109
8	Donna	1121 S 48 th Ter		66106
9	Dennis L. Puffitt	441 N. 29 th St	KCK	66102
150	J.C. Moore	3120 N. 47		66104
1	Chris Macan	17 South 25 th	KCK	66102
2	Katy Franklin	31. S. Belhony	K.C.K.	66102
3	Cynthia Hostins	223 N. 25 th	KCK.	66102
4	Bruce Boyl			
5	Sharon Clark	240 N. 38 th	K.C.Ks.	66102
6	Ed. Edgcom	1042 Bennett	KCKs	66102

	NAME	ADDRESS	ZIP
59	Brandy Hoyt	1215 Central	Apt 5
60	Maria Ash	1215 Central	# 5
1	Georgia Hurst	1811 Lowell	KCKS
2	Thomson Mills	55 South Tecumseh	K.C. 66202
3	Dorothy Baker		R.O.P. Ks 66205
4	David Effigie	425 Central Ave.	66102 R.K.
5	Bobby K. Faulman	345 Leavelle Rd	66011
6	K.D. J. LAWRENCE	1211 Reynolds	K.C.K. 66103
7	Roger Cooper	243.3 - Burthard	Ks.
8	Brett Cielinger	1706 1/2 Central	K.S.K. 66103
9	Tom Dornoff	844 ANN	K.C. 66109
70	Charles M. ...	8001 San Rafael	Mo. 64116
1	Dennis L. Martin	634 SIMPSON	K.C. K.S. 66109
2	Eugene Diegel	736 Ohio	KCK 66104
3	Danya Purinton	1516 Barber	KCK 66103
4	Milo Ston (Subway Mng'r.)	321-1155 1105 Dilmar	K.C. Mo 66102
5	Cindy Adams	7801 W. 98th St.	O.P., KCS 66212
6	Bob Ashley	8241 Orient Dr.	K.C. Ks. 66112
7	Dave Boyd	3607 N. Baker	454 66108
8	MATT WESTERMAN	8363 Ella	66109
9	Angela Alfred	413 Ottawa	Leavenworth Ks. 66048
80	L.M. CULVER	1525 NO 51	KCK 66102
1	Mark ...	1828 Sd 16th	K.C. Mo. 66103
2	Ed Schmidt	3401 Victor	
3	Steve Schmidt	3401 Victor	
4	Eddy Schmidt	3401 Victor	
5	Jim Purinton	5464 N. 95	KCK
6	Wendy Gilven	532 Beach St.	KCK
7	Paul Del Taurus	2224 Swede Ave.	K.C. Ks.

46 Sylvia Richards
1511 Metropolitan
Kansas City Ks
66103

7 Charles Richards
3617 Shawnee Dr
KCK 66106

8 Nancy Richardson
1525 S. 52 Terr.
K.C. Mo. 66106

9 Gary Joster
1525 S 52 terr
KCK

50 Columbus Richards
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KCK 66106

1 Dawn Sanders
1525 S. 52 Terr.
KCK 66106

2 Jennifer Jait
1525 S 52 Terr
KCK 66106

3 Bobby Richards
3617 Shawnee Dr
Kansas City Kansas
66106

4 Danny Dodge
2125 S. 50th
Kansas City Ks
66106

5 John Carothers
1313 S 50th
Kansas City Ks.

6 Edward Hooping
1313 Steel Rd
KCB 66103

7 Scott Carlyon
1501 W 38th
KCK 66103

8 David S. Mitchell
11601 S. 10th
KCK 66103

Rep. Herman Dillon
Chairperson
House Transportation Committee
2-21-1991 RE: H.B. 2129

Mr. Chairman, Members of the Committee,

Thank you for allowing me the opportunity to express my views concerning H.B. 2129 pertaining to the mandatory use of helmets for motorcycle riders in Kansas.

My name is Steve Blythe and I live with my wife, Barbara, at RR 2, Box 95, Council Grove, Kansas. I am a farmer/cattleman and also am employed by the U.S. Postal Service as a relief rural letter carrier. I am 47 years old and a lifetime resident of Kansas.

I am also, a motorcycle rider, having ridden now for the past 9 years. During this time, I have ridden extensively in Kansas in addition to 19 other states and Alberta and B. C. in Canada. My wife rides with me and is also a licenced rider.

Some of the states we have traveled in require a helmet and some don't, so I have had experience both with and without a helmet. I am firmly convinced that the choice should be left to the rider and not legislated by law.

House Transportation
2-26-91
ATTACHMENT 2-1

I am very concerned about safety, particularly my own, and have found from experience that I feel safer without the helmet. My own experience has been that a comfortable rider is a safer, more alert rider. Motorcycles are by design a harsh way to travel. When the weather is hot, it is very very hot on a motorcycle and when it is cold, it is very very cold and always there is the wind.

My experience with helmets is that they only magnify the problems with the heat and cold. Remember what the sun can do to plastic seat covers on cars. Yet, under a mandatory helmet law, motorcyclists are required to put a plastic "bucket" on their head and leave it there. I have personally experienced an almost immediate headache and light headness. Conversely, if a person wanted to keep his head warm in the cold weather, would he wear a plastic hat? Always present is the wind noise around a helmet, which can range from a shrill whistle to a loud roar, not to mention neck fatigue caused by several pounds of helmet. This is especially noticed by the serious, long distance rider.

My own preference for headgear when riding, ranges from a very light, well ventilated cap for summer to a wool, lined cap with ear protection for cold weather. I find that I can hear better, have better side to side vision, greater head mobility, less neck fatigue and am more alert and aware. I consider these benefits to be essential to my survival on the highway. I consider helmets to be of little or no value in a motorcycle crash at highway speeds and that the best

way I can protect myself is to constantly be aware of any and all possible hazards. It is a must that I am as comfortable as possible, if I am constantly on the alert for other motorists.

Motorcycle trade magazines have often reported that most motorist involved in an accident say that they just did not see the motorcycle, even though we ride with lights on at all times. This should not really be surprising since they also don't see other cars, Semi Trucks and even trains! This is why I feel I need all the edge that I can get. When I am wearing a helmet I feel some of that edge is lost.

As I stated before, I am concerned with safety and really believe this could be best achieved by increased motorcycle safety training and also driver awareness training.

I believe Kansas has a good helmet law now and should not be changed.

Remember those that might disagree with my opinions on helmet use are free to choose to wear one, and many do.

I consider myself to be a mature, responsible, clear thinking citizen and have decided after weighing all the pros and cons that my safety and best interests are best served without the helmet. Please do not take that decision away from me.

This concludes my comments. I would be happy to answer any questions the Committee might have.

Thank you once again.


Steve Blythe

**POSITION PAPER
ABATE OF KS., INC.
HB-2129
MANDATORY HELMETS
FOR ADULTS**



*House Transportation
2-26-91
ATTACHMENT 3-1*

INTRODUCTION

ABATE OF KANSAS, INC.

Abate of Kansas is the largest motorcycle rights organization in Kansas. The organization is dedicated to improving motorcycle safety by promoting fair, responsible legislation, public awareness campaigns, and rider training and education programs.

ARGUMENTS AGAINST H.B. 2129

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SECTION I.....HELMET EFFECTIVENESS AND FAILURES
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TESTIMONY ON HB 2129
ABATE OF KANSAS

MR. CHAIRMAN, MEMBERS OF THIS COMMITTEE

We are gathered here for our 25th reunion on this issue. In 1966 the Federal DOT threatened the states with the withholding of Federal highway Funds if the States did not pass Mandatory helmet laws for motorcyclists.

Kansas passed its original helmet law, which went into effect July 1, 1967 under the threat of Federal Blackmail. The law was repealed effective July 1, 1970 for age 21 and over, it was reinstated for all, effective July 1, 1972. Repealed for age 16 and over, July 1, 1976. Reinstated for ages 16 and 17, July 1, 1979. In 1981 and again in 1985 bills were introduced to revise the existing law to include Mandatory helmet use for all motorcyclists, and here we are again in 1991.

Let's examine the facts shown in the 1989 Kansas Traffic Accident Facts Book, published by the Kansas DOT. The toll shows 428 persons killed, 32,814 injured, in 63,642 reported accidents, Pg 1. How do unhelmeted motorcyclists fit into these numbers?

According to the Motorcycle Statistics (pg. 13) there were 27 total motorcycle fatalities, this includes motorscooters, there were 1128 listed injuries 1272 listed accidents. This equates to 6 % of the fatalities, 3% of the total injuries, and slightly less than 2 % of the reported accidents. These numbers and percentages take in all motorcycles and motor scooters. However if we factor in the the figures from the Kansas DOT. Report DA-2 Jan. 1, 1989 thru Dec. 31, 1989 Motorcycle Helmet Usage for Kansas, we find these figures and percentages change considerably! What we are considering is the "Mandating of Helmet Use for all Motorcycle Riders" using figures for 1989 we can arrive at the following conclusions. Of the 27 fatalities 4 were not wearing a helmet, This equates to 14.8 % of the total Kansas fatalities, 6 were wearing helmets, which is slightly over 1%, however these would not change with passage of HB 2129 and is 2 more fatalities than those not wearing helmets, in the remaining 17 fatalities the helmet usage is unknown, and is equal to almost 4 % of the total Kansas fatalities (see graph for 1985-1989)

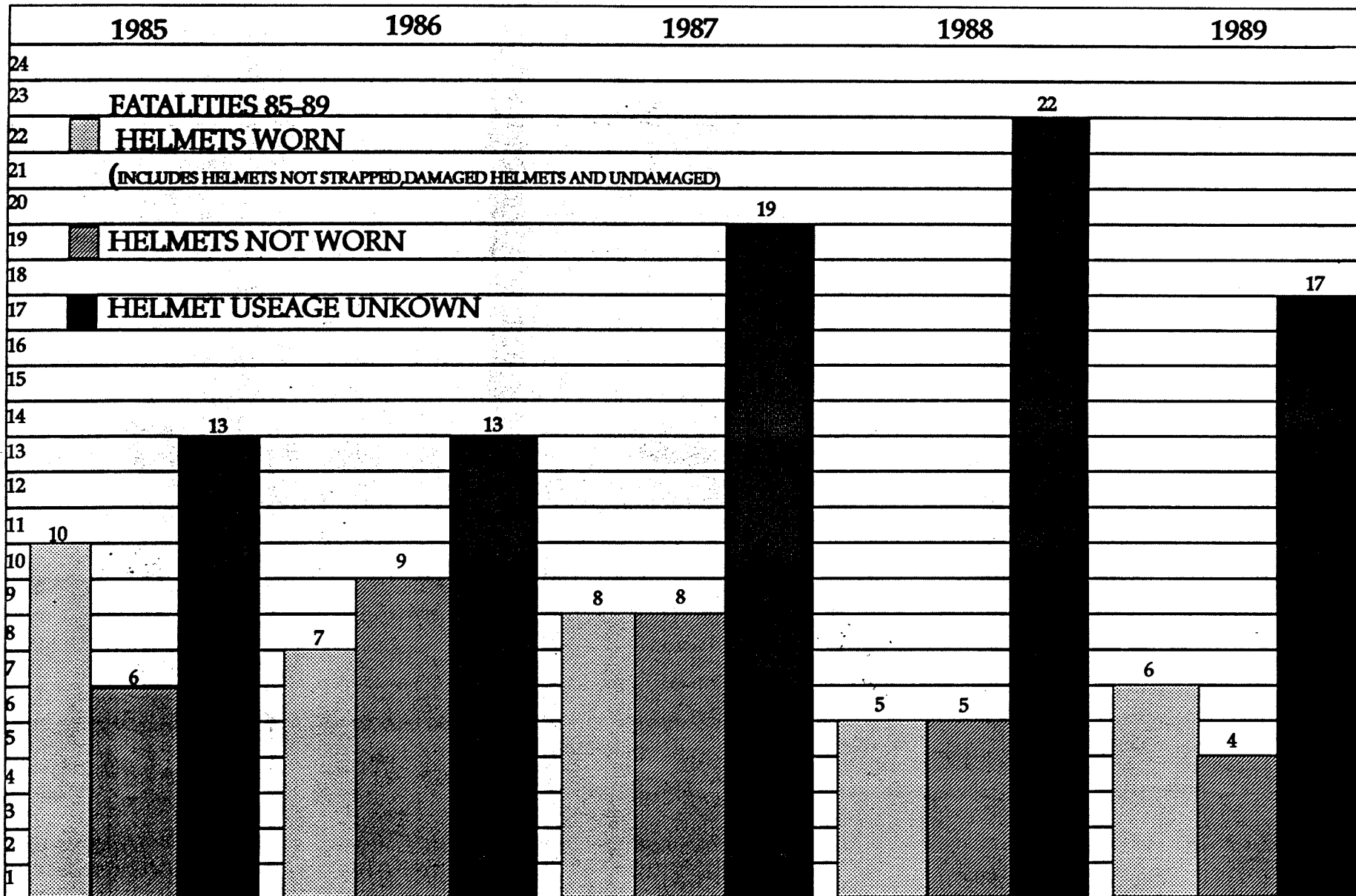
Using the same data set as applied to the reported 1128 injuries some interesting facts come to light. Of the 1128 injuries, only 377 (33.4%) of the "quote motorcycle injuries were considered to be incapacitating injuries. This equates to slightly over 1% of the total traffic injuries. 84 or (3/10 of 1%) were helmeted and passing HB 2129 would not effect any change in these. 71 or (2/10 of 1%) were not wearing helmets, please note that in both the fatalities and these injuries the numbers of those helmeted and non-helmeted are almost the same with those not wearing helmets slightly lower. Helmet usage was unknown in the remaining 222 or (7/10 of 1%) of those who suffered incapacitating injuries (see graph for 1985-1989).

We feel there are better alternatives to making motorcycling safer in Kansas than HB

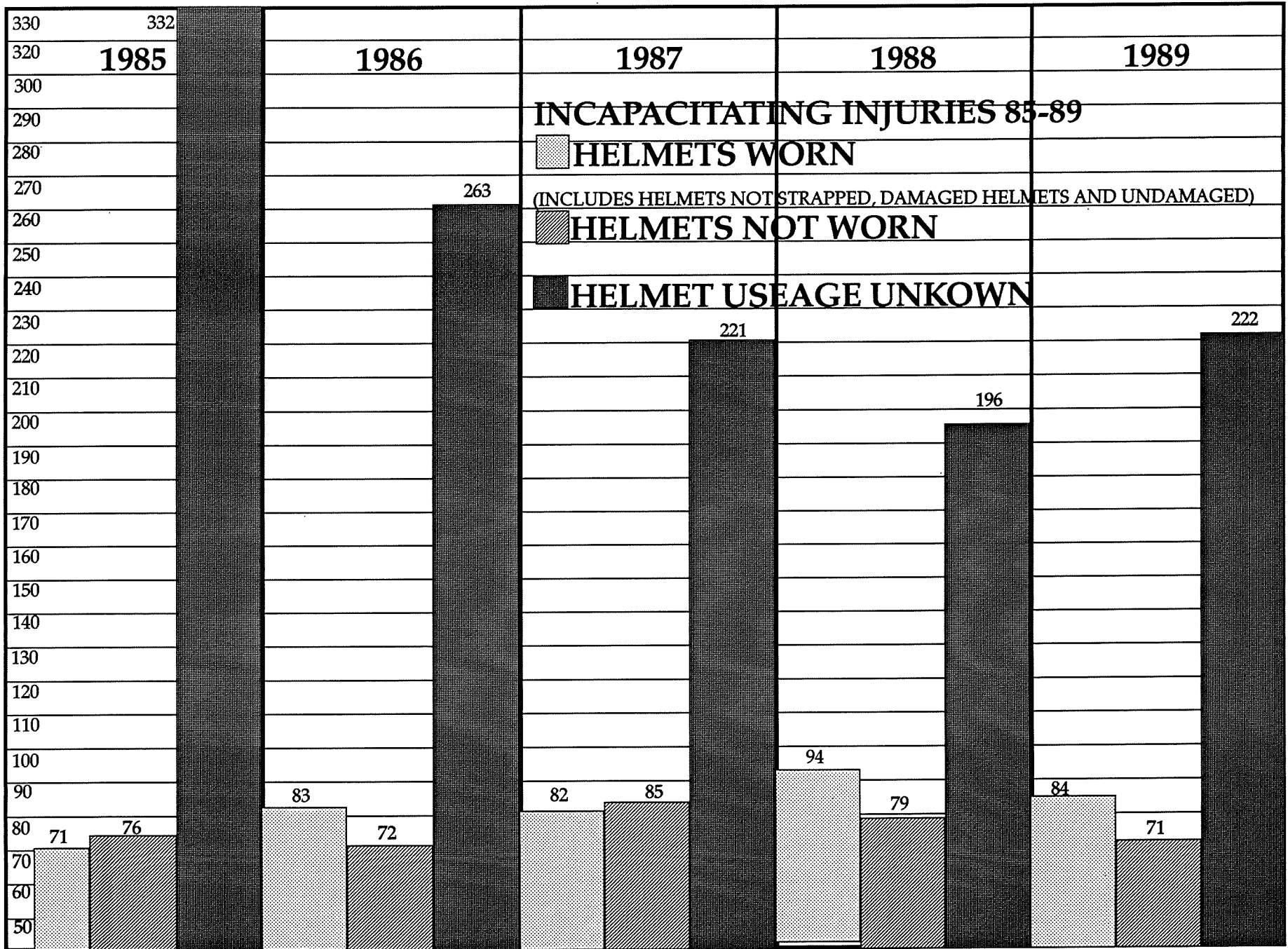
2129.

THANK YOU

SECTION I
HELMET EFFECTIVENESS AND FAILURES



3.7



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

REQD REQ. NO. 0001

LOCN- Motorcycle Helmet Usage VA CHR3- Motorcycle INJURY COLS- DMCHLM
 CHR3- ERITY RONS- DMJSEV

* HELMET, M/C DRIVER/								*TOTAL * PC	
INJURY SEVER*									
ITY	*NAVAL	NWORN	WNSTR	WNDAM	WDAM	UNK	INVAL		
NONE	34	20	0	28	3	47	0	132	11
FATAL	9	4	0	3	3	2	0	21	2
INCAP	154	71	1	44	39	68	0	377	31
N-INC	187	95	2	83	62	117	0	546	45
POSS	29	21	1	28	11	39	0	129	11
UNK	0	0	0	0	0	1	0	1	0
INVAL	1	0	0	0	0	2	12	15	1
TOTAL	414	211	4	186	118	276	12	1221	100
PERCENT	34	17	0	15	10	23	1	100	

NO. OF ACCIDENTS	
VEHICLES	1201
DRIVERS	1953
PASSENGERS	1901
PEDESTRIANS	614
PEDALCYCLISTS	4
COUNT-PED-PED	4
	8

NAVAL = Not available

NWORN = Not worn

WNSTR = worn, not strapped

WNDAM = " " damaged

WDAM = worn, damaged

UNK = Unknown

8

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

LOCN- MOTORCYCLE ACCIDENTS

CHRS- HELMET USAGE-DRIVER

COLS- DINJSEV
ROWS- DMCHHELM

REQD REQ. NO. 0001
BY: VIALLE
PLANNING 0312

		* INJURY SEVERITY							* TOTAL	* PC
HELMET, M/C	DRIVER/PSGR	* NONE	* FATAL	* INCAP	* N-INC	* POSS	* UNK	* INVAL		
NAVAL		54	23	148	238	46	0	5		
MMORM		23	5	79	118	13	0	0	511	39
WNSTR		3	1	3	3	0	0	0	238	18
									6	0
MNOAM		27	3	43	95	28	0	0		
MOAM		6	3	48	52	12	0	0	193	15
UNK		52	2	48	93	29	0	5	121	9
									229	18
INVAL		2	0	0	1	0	0	1	4	0
TOTAL		164	32	369	600	128	0	11	1302	100
PERCENT		13	2	28	46	10	0	1	100	

NO. OF ACCIDENTS 1279
VEHICLES 2036
DRIVERS 1987
PASSENGERS 686
PEDESTRIANS 6
PEDALCYCLISTS 5
COUNT-PED-PED 11

NAVAL = Not available
MMORM = Not worn
WNSTR = worn, not stopped
MNOAM = Not worn and not stopped
MOAM = worn, not stopped
UNK = unknown

6-9

REPORT DA-2

DATA ARE OF SELECTED DATA ELEMENTS FOR SELECTED STATES

TIME- 1-1-87 THRU 12-31-87
 LOCN- MOTORCYCLE ACCIDENTS
 CHR3-

CHRS HELMET USAGE-DRIVER

COLS D INJURY
 ROWS- DMCHELM

REPT PERIOD
 REPT PERIOD
 REPT PERIOD

HELMET, M/C DRIVER/PSGR	* INJURY SEVERITY							* TOTAL	* 100
	* NONE	* FATAL	* INCAP	* N-INC	* FOSS	* UNK	* INVAL		
NAVAL	50	15	151	194	55	0	0		
NWORN	25	8	85	131	22	0	1	485	31
UNSTR	3	2	7	4	1	0	0	172	19
								17	1
WNDAM	21	2	29	114	33	0	0	189	14
WDAM	0	4	46	57	13	0	0	120	9
UNK	64	4	80	122	51	0	8	329	23
INVAL	0	0	0	1	0	0	7	8	1
TOTAL	163	35	398	623	175	0	16	1110	100
PERCENT	12	2	28	44	12	0	1	100	

NO. OF ACCIDENTS 1394
 VEHICLES 2272
 DRIVERS 1212
 PASSENGERS 715
 PEDESTRIANS 7
 PEDAL CYCLISTS 2
 COUNT PED-FED 15

3-10

REPORT DA-2

DATA ARR. SELECTED DATA ELEMENTS FOR SELECTED ELEMENTS

DATE RPT: 1-1-86

TIME- 1- 1-86 THRU 12-31-86
 LOCN- MOTORCYCLE ACCIDENTS
 CHR3-

CHR5- HELMET USAGE-DRIVER

COLS - D I N I T I V
 ROWS - D M C H E L M

REQD BY: VITALLE
 REASON: 651

HELMET, M/C DRIVER/PSGR	* INJURY SEVERITY							* TOTAL	* P.
	* NONE	* FATAL	* INCAP	* N-INC	* POSS	* UNK	* INVAL		
NAVAL	32	11	126	178	45	2	0		
NWORN	13	9	72	129	30	1	0		
WNSTR	2	2	5	3	2	0	0	124	26
UNDAM	36	0	43	104	20	1	0	154	17
WDAM	6	5	35	44	13	1	0	14	1
UNK	83	2	137	218	64	12	6	54	12
INVAL	0	0	1	2	0	1	13	184	7
TOTAL	180	29	419	678	174	18	19	117	100
PERCENT	12	2	28	45	11	1	1	100	

NO. OF ACCIDENTS 149
 VEHICLES 2477
 DRIVERS 1414
 PASSENGERS 860
 PEDESTRIANS 13
 PEDAL CYCLISTS 6
 COUNT FLD PED 12

3-11

REPORT DA-2

DATA ARR

SELECTED DATA ELEMENTS FOR SELECTED ELEMENTS

DATE END 1-1-85

TIME- 1-1-85 THRU 12-31-85

LOCN- MOTORCYCLE ACCIDENTS

CHRS HELMET USAGE-DRIVER

COLS- PINJISTV

REQD- REQ. DR. 0001

CHR3-

ROWS- DMCHLH

REQ. VEHICLE

PLANNING

0301

HELMET, M/C DRIVER/PSGR	* INJURY SEVERITY							* TOTAL	* P
	* NONE	* FATAL	* INCAP	* N-INC	* POSS	* UNK	* INVAL		
NAVAL	36	13	148	164	32	14	0		
NWORN	22	6	76	88	24	11	0	162	23
WNSTR	1	1	2	4	1	1	0	17	13
UNDAH	28	1	32	100	28	9	0	198	12
WDAM	3	8	37	42	8	6	0	104	6
UNK	107	0	184	297	102	50	0	190	43
INVAL	3	0	1	4	1	0	13	22	1
TOTAL	200	29	480	699	196	91	13	1708	100
PERCENT	12	2	28	41	11	5	1	100	

NO. OF ACCIDENTS 1681
 VEHICLES 2772
 DRIVERS 2714
 PASSENGERS 212
 PEDESTRIANS 12
 PEDALCYCLISTS 8
 COUNT-PED-FED 20

3-12

SECTION 11
THE PUBLIC BURDEN THEORY

WARNING

READ BEFORE EACH USE

EXAMINE HELMET FOR DAMAGE BEFORE DONNING. NO HELMET CAN PROTECT FROM ALL FORESEEABLE IMPACTS OR INJURIES. ON IMPACT, HELMET MAY BE DAMAGED BY THE ABSORPTION OF ENERGY AND THE SHELL MAY CRACK OR BREAK. THE LINER MAY BE SEVERLY DAMAGED IN A WAY NOT VISIBLE TO THE USER. THE FUNCTION OF THIS HELMET IS TO BE DESTROYED AS IT ABSORBS ENERGY FROM THE IMPACT.

NEITHER THE MAKER NOR THE SELLER OF THIS HELMET CAN FORESEE OR PREDETERMINE THE NATURE OR SEVERITY OF ALL IMPACTS. THIS HELMET EXCEEDS FEDERAL STANDARD FMVSS218. EVEN SO, DEATH OR SEVERE INJURY MAY RESULT FROM IMPACTS AT SPEEDS AS LOW AS 15 M.P.H. WHILE WEARING A HELMET.

PERFORMANCE MAY BE ADVERSELY AFFECTED BY LOOSE FIT, FAILURE TO FASTEN STRAP SNUGLY, OR TO POSITION HELMET SQUARELY ON HEAD. APPLY NO CHEMICALS. USE CLEAR WATER AND MILD SOAP ONLY FOR CLEANING.

THIS HELMET IS NOT DESIGNED TO PROVIDE NECK OR LOWER HEAD PROTECTION.

RETURN TO THE MANUFACTURER FOR INSPECTION OR REPLACEMENT AFTER EVERY IMPACT.

MOTOR SPORTS REQUIRE GOOD TRAINING AND CAREFUL ATTENTION TO THE CARE AND USE OF SAFETY EQUIPMENT.

DUNS 07-322-0632

TYPICAL WARNING LABEL FROM INTERIOR OF DOT APPROVED HELMET. (TAKEN FROM MAXON HELMET PURCHASED ON JUNE 3, 1989.)

Social Burden Debunked

The real cost to society

By James J. Baxter

For well over two decades, I have climbed onto innumerable podiums and written hundreds of pages in an attempt to warn of the dangers of accepting "social cost" arguments as justification for reducing personal freedoms and individual discretion.

Traditionally, governmental intervention into personal affairs was confined to those activities in which other people (or other people's property) were likely to be directly harmed. The few exceptions came in those areas where moral judgments were involved, such as sexual conduct, suicide and religious rites. Even Prohibition and early drug laws were sold on the basis that users were directly harming other members of society, including their families.

In spite of those exceptions, it was generally accepted that a person could assume risks or engage in practices that could be personally injurious. That is, until 1966.

In that year, the federal government embarked on its first large-scale effort to mandate that certain safety initiatives be adopted at the state level. The threat that the government held over the states was the withholding of highway funds. And one of the mandates was a helmet law for all motorcyclists.

At the time, I resented being told to wear a helmet. I resented in particular being told to do so by some condescending elected official and being coerced by the force of law to do something that only affected me.

In short, I resented the social-cost argument that said: "Mr. Baxter, your failure to wear a helmet could subsequently lead to an injury in an accident that would result in lost benefits to your family and others in society, as well as place a financial burden on other taxpayers for your care and possibly the support of your family." Pretty heavy stuff!

We motorcyclists rethought our position and came back with a two-pronged attack. One, helmets may cause as many accidents and injuries as they prevent, and two, motorcyclists were being discriminated against. We chimed, "Why not pass seat belt laws or prohibitions on smoking?"

We said those things, of course, because we didn't expect them to happen. Never did we realize that we were, in a sense, institutionalizing the social cost concept and even offering its proponents new territory to conquer.

That combined assault on the discrimination issue and the efficacy of helmet

usage stemmed the tide in the '70s. The federal government lost its blackmail power over the states in such matters, and a majority of states repealed mandatory helmet laws applying to all motorcyclists.

But now, the pendulum has reversed and mandatory helmet laws are being heavily promoted in a number of states. Ironically, this pressure is occurring during a period when motorcyclist fatalities are in decline.

Louisiana was the first state to reinstate a helmet law. During the past year, Nebraska, one of two states to repeal its seat belt law via referendum, passed a mandatory helmet law. Oregon followed suit, passing a helmet law through a referendum. Then California, one of only three states that held fast against the federal government's blackmail in the '60s, would have instituted a helmet law had it not been for the governor's veto.

In each case, the social cost argument was honed to a fine edge, with megadollar amounts tossed about and statistics implying that unhelmeted motorcyclists were responsible for at least half the national debt. "Let those who ride decide," the slogan of the '70s, sounded pretty weak against testimony presented by the medical community, insurance industry and safety establishment. Add in a certain amount of resentment and hostility toward motorcyclists harbored by a large portion of the non-motorcycling public, and the freedom of choice argument didn't stand a snowball's chance in Miami.

But this isn't really about helmet laws. This is about the pervasive nature of the social cost argument. Helmet laws simply provide a case history of how this argument comes to be accepted as a valid reason for limiting individual choice and discretion.

A recent article on the subject in a motorcycle trade journal trotted out the usual exaggerated examples of how the government would next be telling us that we couldn't smoke, drink or eat fatty foods because such habits could lead to disease, premature death and lost productivity. At least those used to be exaggerations.

In a recent newspaper article, U.S. Surgeon General C. Everett Koop seriously floated the idea that the public (whoever that is) was sick and tired of these people with poor lifestyles (i.e., people who eat and drink too much, smoke and fail to get adequate exercise)

and it might just come to pass that this same public would refuse to provide health care to these overweight, self-indulgent couch potatoes.

Now, I doubt that our society will simply stand by and let fat people die in the streets. However, sanctions, penalties and discrimination against overweight people are not all that far from reality. Perhaps a program preventing anyone more than 20 percent overweight from enjoying the "privilege" of a driver's license could be introduced? Sound a little extreme? A recent proposal in California would have withheld driver's licenses from students with bad grades.

These esoteric tirades aside, there is one basic truth that is being ignored in this whole debate: The social cost theory is a total economic fraud. Setting aside personal values and morality issues, which is exactly what the social cost theorists do when they dismiss the importance of personal freedom and individual discretion, we can take a purely economic view of motor vehicle accidents. Consider these points:

- Motor vehicle accidents account for \$6 billion annually in medical costs, or 1 percent of the \$600 billion spent annually on health care in the United States. Motorcycle accidents represent something in the range of 8 to 10 percent of motor vehicle accidents, or less than one-tenth of 1 percent of total health care costs. It is, therefore, literally impossible to prove that the total elimination of motorcycle-related injuries, let alone those related only to failure to wear a helmet, would have any meaningful impact on health care expenses in the United States.

- Of the roughly \$60 billion spent annually as a result of motor vehicle accidents, \$21 billion is retained by the insurance industry to cover "administrative" expenses. An additional \$4 billion goes for legal expenses associated with these accidents. The largest chunk, \$27 billion, goes for property damage, and surprisingly, that may represent the real motivation behind insurance company support for helmet laws. You see, the insurance companies may support helmet laws for more than their alleged role in reducing personal injury, which is really a minor financial consideration. They may well recognize that helmet laws significantly reduce vehicle and passenger miles ridden, thereby reducing overall exposure, particularly property loss. Actually, I give them too much credit, as I suspect they only recognize

Continued

3-15

that losses are greater in states without helmet laws and may not really understand why.

• Social cost theorists never examine or account for the positive economic aspects associated with motor vehicle accidents. They coldly assign costs to human tragedy, but back away from assigning economic benefits in that same cold fashion. The cold, hard facts are that body shops, vehicle component manufacturers, retail dealers, health care professionals and even the insurance industry derive income from vehicular accidents. This income pays employees and taxes, and is circulated back into the economy through the purchase of goods and services. Keep in mind that I'm not making personal value judgments on how this money could otherwise be spent—I'm just noting that it is a part of our economy. The owner of the body shop might commiserate with the owner of a damaged vehicle, but his family needs food, clothing and shelter too. From a personal perspective, the victim would rather spend his money some other way, but we're not talking personal preference, we're talking social cost.

• A point no one can refute is that everybody dies; some sooner, some later. Assigning loss value to a person's premature death is an abstract absurdity. There is no shortage of people on this planet or in this country. When a pro-

ductive position opens up as a result of death, injury or retirement, it is rapidly filled, frequently by someone with newer and better ideas, and often at lower cost. To suggest that every person who prematurely dies represents a loss to society is little more than moralistic nonsense. The chances are probably equal that society benefits or loses. The greatest likelihood is that the victim would go through life carrying his own weight—no more, no less.

• It is not uncommon for an individual to put in 40 years in the work force, retire and spend another two or three decades living on Social Security and pensions. During this retirement period, many elderly people are forced by illness or other infirmities into nursing homes, or become totally dependent on others for their care and well-being. Under these circumstances, they are unable to provide products or services useful to society. The social cost theorists would argue that the entire system would be economically better off if these elderly invalids were forced to take a one-way walk across the Bonneville Salt Flats without water. If they believe we, as a society, cannot afford to let people make decisions concerning their own welfare, it follows that they also believe we cannot afford to keep large numbers of incapacitated old people around using up finite resources and billions of dollars of services while returning not

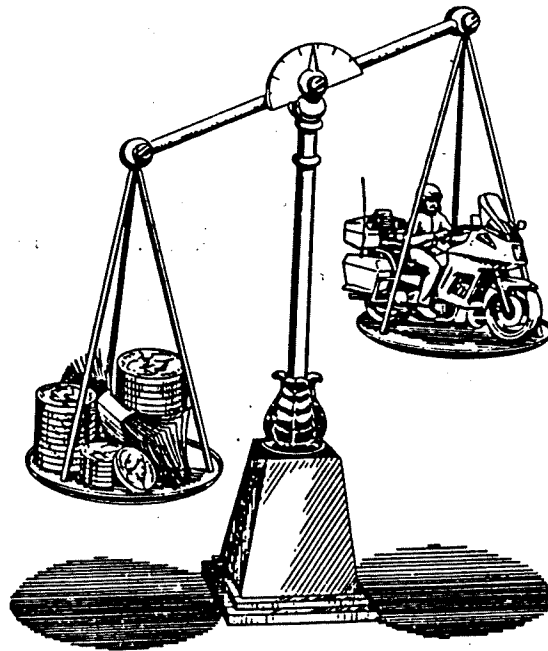
one iota of economic benefit.

What has been lost among the safety zealots is the simple fact that human beings formed societies for the specific purpose of sharing the burdens of certain risks, including old age. The security of a society was not designed to limit personal freedom and individual discretion. The whole reason for joining together in a society is to enhance the freedom to make decisions concerning your own welfare and for protection against the tyranny of man and nature.

When the individual makes a decision, the risk inherent in that decision is largely borne by that individual, but there are always secondary impacts. And, because everyone in a society makes decisions every day that entail some risk, it is inherent in a free society that those secondary risks are shared.

The safety establishment led by the insurance industry now says that we, as a society, should not have to share these risks. In fact, they've gone one step farther and suggested that some risks be eliminated. What they hope to do is criminalize the use of individual discretion in matters that potentially impact an individual's welfare. But what they forget is that this literally covers just about every aspect of life.

All of us better start thinking long and hard about whether we want to live in a society that shares risks or a society that attempts to eliminate risks through the elimination of personal freedoms and individual discretion.



TEN FACTS:

The Minnesota Story

- Minnesota had a full helmet law for 9 years. (1968-1977) Proponents of this law stated, "This law will dramatically reduce motorcycle fatalities."
- Fatalities DID NOT go down per 10,000 registered vehicles. **THEY WENT UP EVERY YEAR!**
- Minnesota has not had a helmet law (for adult operators and passengers) for 12 years. Our fatality rate is at an **ALL TIME LOW** in spite of tripling the number of licensed motorcyclists. **1989 YEAR TO DATE: 36 fatalities** compared to 62 in 1976, the last year of the full helmet law.

WHY?

- Minnesota has the toughest licensing standards in the nation. Developed and supported by motorcyclists.
- Minnesota has the best Public Awareness programs in the nation. (17 states use the Minnesota model.) Developed and paid for by motorcyclists.
- Minnesota has one of the most comprehensive Rider Education programs in the nation. Developed and paid for by motorcyclists.
- Minnesota passed into law the first Comprehensive Self-Funding motor cycle safety program in the nation. Developed and paid for by motorcyclists.
- Minnesota has won 7 national awards for its motorcycle safety programs which are developed and paid for by motorcyclists.
- Minnesota has just developed "Dial A Ride", a program that offers impaired motorcyclists and their motorcycle a ride home. Developed, staffed, and paid for by motorcyclists.

• • • • •

Prepared and distributed by the Minnesota Motorcycle Riders Association,
P.O. Box 27528, Minneapolis, MN 55427 (612)541-1704

**SECTION III
COURTS**

COURT DECISIONS

In the case of *THE PEOPLE OF THE STATE OF ILLINIOS vs Donald Fries*, Supreme Court of Illinios, May 28, 1969, the court stated, "The limited question presented is whether the authority of the State, acting under it's police powers, permits the regulation of the person of a motorcyclist by requiring the wearing of protective headgear. Appellant has argued that the statute should be struck down as legislation against a class. Indeed, the legislature has made a classification among the operators of motor vehicles, but a classification of one sort or another is frequently essential to regulatory legislation, including quasi-criminal statutes, The critical query is whether or not the classification is unreasonable and invidious. Our statute requires both the operator and each passsenger on a motorcycle to wear protective headgear. In the case of a passenger it is clear that the "protective headgear" serves no function of safeguarding the motoring public. The helmet would presumably prevent cranial injuries or lessen their severity for the wearer, but it's effect on other motorists is most obscure. The appellant, however , was operating the motorcycle when arrested. In order to determine the purpose and function of the statute in regard to an operator, the entire statutory plan must be considered. The subsection immediately following that under which the appellant was charged sheds light on the legislative intent. That subsection reads as follows: "In addition, the operator of a motorcycle and every passenger thereon shall be protected by glasses, goggles or a transparent shield," There is a distinct possibility that flying insects or wind-blown objects could strike the operator and cause him to lose control of his motorcycle. Legislation intended to protect persons in other vehicles from the danger created by a motorcycle out of control is within the police power of the State. The Illinois statute contains 2 requirements; "protective headgear" and a transparent shield or goggles. The question of the constitutionality of a requirement that a motorcyclist wear goggles or that the vehicle be equipped with a transparent shield is not before us. Such a provision is meant to insure that an operator's vision will not be impaired and that the public safety will not be jeopardized. When we consider both of thse sections together, the legislative intent becomes clear. The manifest function of the headgear requirement in issue is to safeguard the person wearing it-whether it is the operator or a passenger-- from head injuries. Such a laudable purpose, however, cannot justify the regulation of what is essentially a matter of personal safety. We express no opinion on the requirements of subsection (b) and have referred thereto merely for purposes of accurately construing the legislative intent of subsection(a) under which the appellant was charged. We hold that portion of the statute under which appellant was convicted to be beyond the police power to the legislature, in violation of section 2 of article II of the Constitution of the State of Illinios and of the XIV amendment of the Constitution of the United States, and therefore unconstitutional. Accordingly that conviction is reversed."

The Attorney General of New Mexico, Boston E. Witt, stated "In New Mexico, a municipality may adopt an ordinance to provide for the safety preserving the health, promoting the prosperity. improving the morals, order, comfort and convenience of the municipality and its inhabitants, provided the ordnance is not inconsistent with the laws of New Mexico. Does this statute authorize the adoption of the proposed ordnance? We do not think so. The constitution of New Mexico, Article II, Section 4, guarantees to men the right to seek and obtain safety and happiness. This section means that each person may seek his safety and happiness in any way

he sees fit so long as he does not unreasonably interfere with the safety and happiness of another. It cannot be questioned that requiring a motorcycle rider to wear a helmet will render him less likely to be injured. However, if a motorcycle rider chooses to pursue his personal happiness by riding without a helmet it cannot be said that his choice will injure his fellow man. Therefore, the adoption of the proposed ordinance as it stands is an unconstitutional restriction upon a person's civil liberty, for the ordinance seeks to restrict his liberty when such restriction will not result in a benefit to the public at large or tend to preserve the safety of the community. It must be pointed out that since the evil sought to be remedied is the protection of the youthful rider the municipality might Constitutionally require all motorcycle riders under a certain age to wear safety helmets, so long as the grouping does not include adults. This would be a valid exercise of the power of parents patrie, which is the inherent right of the state to safeguard its future by protecting its youth. However, as the ordinance now stands it would be applicable to adults as well as children and would therefore be unconstitutional if adopted."

ILLINOIS DUMPS HELMET LAW

The Illinois House Transportation Committee has defeated a proposed helmet law for motorcycle riders and passengers.

According to Vernon Hanks, legislative affairs director for United Motor Illinois (umi), an independent motorcyclists' rights group, "The Transportation Committee members were clearly unhappy with introduction of mandatory helmet-use legislation, since a 1969 State Supreme court decision ruled a previous Illinois helmet law unconstitutional.

A UMI release said research provided Hanks "documented the 1969 court decision that a mandatory helmet was 'beyond the police powers of the state,' according to both the Federal and State Constitutions."

Hanks is quoted as saying, "Illinois is doing a lot of things right when it comes to motorcycle safety, and the accident facts reflect that."

RISK MANAGEMENT VS FREEDOM

Has risk management in our daily and personal lives become the job of our government? Has anyone told those living in California over a known earthquake fault that they have to move in the name of risk management and social burden? Can we expect to see the Eastern seaboard, Florida and the Gulf states evacuated in the name of risk-management and Social Burden since they have hurricanes? No, these people live there because of their freedom of choice.

The fact is there is risk involved in anything we do. Had mankind not taken risks we would still be huddled on the back wall of some cave.

To quote James J. Baxter,

"What has been lost among the safety zealots is the simple fact that human beings formed societies for the specific purpose of sharing the burdens of certain risks, including old age. The security of a society was not designed to limit personal freedom and individual discretion. The whole reason for joining together in a society is to enhance the freedom to make decisions concerning your welfare and for protection against the tyranny of man and nature.

When the individual makes decisions, the risk inherent in that decision is largely borne by that individual, but there are always secondary impacts. And, because everyone in a society makes decisions every day that entails some risk, it is inherent in a free society that those secondary risks are shared.

The safety establishment led by the insurance industry now says that we, as society, should not have to share these risks. In fact, they've gone one step farther and suggested that some risks be eliminated. What they hope to do is criminalize the use of individual discretion in matters that potentially impact an individual's welfare. But what they forget is that this literally covers just about every aspect of life.

All of us had better start thinking long and hard about whether we want to live in a society that shares risks or a society that attempts to eliminate risks through the elimination of personal freedoms and individual discretion."

Is there any logic in putting a 16 year old to work in a machine shop operating complex equipment with no training as long as he or she would wear a helmet? No. Then where is the wisdom in allowing a 16 year old to operate today's highly complex motorcycles on our congested trafficways with no prior training so long as they wear a helmet? Supporting rider safety education which promotes better, safer riders that leads to decreased accidents along with educating the rest of the motoring public to be motorcycle aware, would seem a much wiser course of action.

America is consuming gasoline at the rate of 360 million gallons a day. At 16 cents per gallon Federal Gasoline tax this equals \$57,600,000.00 a day that American citizens pay into the Federal Highway Fund Government. Now they want to withhold it, at the cost of unsafe roads unless the States bow to their mandates. A similar amount is also paid on State Gasoline Taxes. At the current rate of consumption we will be out of gas by the 2033.

Motorcycles are the only mode of transportation showing a 10% reduction in accidents and fatalities, while having a 25% increase in usage over the past ten years; all this by the way, with no significant changes in helmet laws. The facts are 1. that motorcycles are two to three times more fuel efficient than automobiles; 2. the weight of a motorcycle with two people on it weighs 1/2 or less than an automobile with no passengers inside, thereby being able to transport more, in less space, while reducing the wear on the infrastructures.

3. being able to reduce freeway traffic jams while allowing more vehicles to park in the same area. All these things would tend to make me beleive that motorcycling as mode of transportation could make a very valuable and viable alternative if those with foresight will simply say enough is enough after 25 years of the same ineffective rhetoric and move into the future, supporting the methods which have shown to be best. Fairnes in motorcycle legislation,, proper rider safety education training, such as that provided by Motorcycle Safety Foundation training, more public awareness training and campaigns for the non-motorcycling drivers to be more aware of motocycles and to share the road should be in the best public interest in conserving fuel, the infrastructure and the efficient moving of the motoring public.

WITH LIBERTY & JUSTICE FOR ALL,
GREG HARDY

testimony only

Feb. 22, 1991

Dear Transportation Committee Member,

In regards to House bill #2129.

I'm sure you have plenty of statistics so I will not go into that. I will ask that you try understanding the motorcyclist point of view.

One way is actually putting on a helmet for about an hour, just wear it around your house, or take a drive in the country. (Please, not in the city, someone could be hurt.) After doing this you may have a much greater prospective on this issue. There are many servicemen and women who ride, several I know personally. These people do not have the opportunity to voice their opinion. Wouldn't it be best to leave the law as it stands. Not only for the servicemen, but also think of the exspense.

We have a war in the Gulf, a war on crime, a war on drugs. Do we need a war about helmets. I know if this is passed it will be opposed again and again.

Some people prefer to wear helmets, but many do not. That is a choice each individual must make.

Please, don't let my freedom of choice be taken away.

Thank-you,

Charlene M. Aubert

Charlene M. Aubert

*9540 NW 13th
Topeka, KS 66618*

*Registered 2-15-91 House Transportation
2-26-91*

ATTACHMENT 4-1

I'm Joan Lyons, I have been a rider for six years. I'm also a registered voter.

In May 1990, I became an instructor for (MSF) Motorcycle Safety Foundation. The reason was to help insure that new riders to become aware of their responsibilities to themselves and the public.

Stats (MSF):

- a. Between 40 and 60% of riders voluntarily wear a helmet, only 15% of car drivers use their seat belt and the seat belt is already in the car.
- b. Hurt Study: Based on 3600 Motorcycle Accidents:
 - a. 3/4 accidents usually with passenger car
 - b. Motorcycle error: 2/3 of cause, error; sliding out, overbraking or running wide on curve.
 - c. 92% were self taught or learned from family and friends.
(Education would help decrease accident involvement)
 - d. Expense: Less than 10% of motorcycle riders in these accidents had insurance.
(Some states require proof of insurance and when the insurance lasp their tags had to be turned in).
 - f. Most deadly injuries of accidents were to head and chest.
This report points out 55 pro and cons on the helmet.

Since Kansas helmet law is for under 18 years of age since 1979, as adults we should have the right to choose. This is one of the few freedoms we have left.

Changing the House Bill 2129 to impose the helmet doesn't mean that we are safe of that we will survive an accident. Educating the rider and the motorist is where I feel the law would help. Add education for both rider and public have us all become aware that motorcycles and cars are sharing the road.

Joan Lyons House Transportation
2-26-91
ATTACHMENT 5-1

My name is John Cook, I am from Oakley, in Thomas County in the Northwest corner of Kansas. I am representing the TRI-STATE COALITION OF CONCERNED MOTORCYCLISTS, A Motorcyclists Rights Organization. The facts that I am going to read are in opposition of any amendment to House Bill 2129. All of the information has been researched and distributed by the Law Offices of J. Russell Brown, Jr. at 5455 Wilshire Blvd., #1600, Los Angeles, CA. 90036.

HELMET FACTS

* The four safest states to ride a motorcycle in are: Iowa, Wisconsin, South Dakota and Kansas. None of these states mandate helmet use. Motorcycle Safety Foundation & the American Motorcyclists Association.

* States with helmet laws had 9.59 deaths per 10,000 registrations in 1980, while states without mandatory regulation had 9.20 deaths per 10,000 registrations. Road Rider Magazine

* No concrete evidence could be found to support the concept that any increase in motorcyclist fatalities had resulted from repeal of helmet regulations. The State of Kansas, Health & Environment Department.

* There is no significant difference in the fatality rates of states requiring or not requiring the wearing of a helmet. Fatal Accident Reporting System, National Highway Traffic Safety Administration.

* 29.4 % of the motorcyclists that died wearing a helmet died of a head injury. 28.9 % of the motorcyclists that died without a helmet, died of a head injury. Wisconsin Dept. of Transportation, 1978 Division of Motor Vehicles, study.

* A helmet cannot prevent an accident.

* " It is a rare instance when a motorcycle helmet makes a difference in as far as the motorcycle accident is concerned. Most accidents are chest and abdominal or extremity related." Dr. John Levin, Trauma Specialist, Beverly Hills.

* A study by the UTAH HIGHWAY SAFETY DEPARTMENT showed helmet usage does not significantly affect the severity of head injuries.

* According to Bell Helmets Dealers Guide (1986)... "an incorrectly fitted helmet can do more damage than no helmet at all..." and that people will usually buy a helmet that fits too loose as it is more comfortable.

* Improper helmet removal from injured persons may cause paralysis. American College of Surgeons, July 1980

House Transportation
2-26-91
ATTACHMENT 6-1

* Use of helmets is accompanied by a 16.6% greater incidence of accidents and 3.% more fatalities. (Incidence of accidents and fatalities in motorcycling for the 9 years ending December 31, 1985)

* Serious and or fatal neck injuries increased 75% in New York State the first year of mandatory helmet regulation and fatalities did increase in New Jersey the first year of helmet law. New York and New Jersey Highway Department.

* In NEW JERSEY, deaths soared 340% after a helmet law passed.

* RHODE ISLAND, had a 166.7% increase in bike related fatalities after putting its 1971 helmet law into effect.

* Education, not legislation, is the key to safer motorcycling.

* The Hurt Study from the University of California shows helmets are most useful in a very small range of slow speed accidents. At highway speeds, helmets are good for keeping off bugs, period.

* 45.5% of motorcyclists involved in an accident had no motorcycle license. 92% had no formal training and more than half had less than 6 months experience. 62% of the accidents and 50% of the fatalities involved riders between the ages of 17-26, with students making up the largest component by profession at 21.2%. HURT REPORT, TRAFFIC SAFETY CENTER OF USC.

* NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION admmts that motorcycle accidents make up only 1/10th of 1% of all medical expenses. Considering the high percentage helmet usage and the fact those figures do not differentiate between helmet and non helmet wearing "victims", the true count is probably closer to .05%.

* In 1987, when California was considering a mandatory helmet law, 4,990 letters were received in opposition to the bill, with only 5 letters supporting it. CALIFORNIA SENATE TRANSPORTATION COMMITTEE ANALYSIS.

* Motorcyclists voluntarily wear helmets over 50% of the time, while automobile drivers use seatbelts only 20-47% of the time. Even with seatbelt laws in effect, the N.H.T.S.A. annual statistics up to and including 1986, show that approximately 50% of all auto fatalities are due to head injury. Yet no one would suggest that auto drivers wear helmets.

* There is no evidence that any helmet thus far, regardless of cost or design, is capable of rejecting impact stress above 13 miles per hour. Federal Department of Transportation

* In one DEPARTMENT OF TRANSPORTATION test, 90% of all helmets tested were defective.

* A study by the UNIVERSITY OF UTAH SPEECH AND HEARING CLINIC found helmets restrict hearing and distort sound direction, thus creating confusion.

* Impairment occurs when turning one's head to check surrounding traffic conditions. The helmet, even while properly fitted and worn, may rotate just enough to create a peripheral obstruction.

* Temperatures can reach 130 degrees inside of a helmet.

* With the helmet weight factor considered, after a matter of time, the helmet can cause discomfort or fatigue.

* When applying the law of inertia, the weight of an object becomes awesome. A 4 pound helmet at 50 mph becomes 200 pounds upon impact.

* DR. D.M. KULAND OF RHODE ISLAND HOSPITAL reports that a concussion with no fracture can be caused by a helmet and lead to massive internal head swelling.

* Not everyone has the ability to ride a motorcycle, and certainly not without proper training. All the safety equipment in the world cannot save the inept, unskilled rider.

* As well as I see it, my constitutional right to FREEDOM OF CHOICE is now in jeopardy once again. I also find that it is very hypocritical that our elected officials would send our Armed Forces to defend the Freedom of a foreign land, and while they are gaining the Freedoms for these foreign nations, that legislation would be hard at work taking Freedoms away from our own people.

Respectfully,

John R. Cook

John R. Cook
T.S.C.C.M.
P.O. Box 15
Colby, Kansas 67701

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Motorcycle Safety Foundation & the American Motorcyclist Association

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Road Rider Magazine

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CALIFORNIA SENATE TRANSPORTATION COMMITTEE ANALYSIS

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• Not everyone has the ability to ride a motorcycle, and certainly not without proper training. All the safety equipment in the world cannot save the inept, unskilled rider.



Ray Petty
Executive Director

1910 HASKELL • LAWRENCE, KANSAS 66046
913-841-0333

RAY PETTY
INDEPENDENCE, INC
LAURENCE

RE: HB 2366 - ACCESSIBLE PARKING / HOUSE TRANSPORTATION
DATE: TUESDAY, FEBRUARY 26, 1991

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I APPRECIATE YOUR CONSENT IN INTRODUCING THIS BILL WHICH SIMPLY CLEANS UP LANGUAGE WHICH IS EITHER INAPPROPRIATE OR OUT-OF-DATE IN KANSAS' SO-CALLED "HANDICAPPED PARKING" LAW. THE PARKING IS BETTER TERMED "ACCESSIBLE PARKING". THE DEFINITION OF USERS OF THIS PRIVILEGE PREFER TO BE CALLED PERSONS WITH A DISABILITY. THOSE ARE THE TWO CHANGES I REQUESTED EARLIER.

THIS KIND OF CLEAN-UP IS MOST APPROPRIATELY DONE IN CONJUNCTION WITH SUBSTANTIVE CHANGES. THAT IS WHY I REQUESTED THIS MODIFICATION WITH THE CHIROPRACTIC COVERAGE BILL.

ALSO, COULD THIS BE A CONSENT AGENDA ITEM? I WOULD LIKE TO BE ASSOCIATED WITH ONE OF THOSE SOME DAY.

House Transportation
2-26-91
ATTACHMENT 7-1

THANKS. I WILL STAND (OR SIT) FOR ANY QUESTIONS.

Kansas Department of Social and Rehabilitation Services

Testimony in Support of House Bill No. 2366

Mr. Chairperson and members of the Committee:

SRS supports House Bill 2366 which updates terminology used in reference to people with disabilities and accessible parking privileges.

The recommended language is consistent with the "Guidelines for Reporting and Writing about People with Disabilities" developed by the Research and Training Center on Independent Living at the University of Kansas. These guidelines reflect input from more than 100 national disability organizations and emphasize putting people, not disability, first. Language like "person with a disability" appropriately places the focus on the individual, not the particular functional limitation. The parking space is more accurately portrayed as "accessible" rather than "handicapped."

The words we use in our speech and writing have a subtle impact on the way in which people with disabilities are viewed, in their home communities and on the job. Therefore, I commend the Committee on Transportation for its insight and initiative in recommending these changes.

Glen Yancey
Acting Commissioner
Rehabilitation Services
Social and Rehabilitation Services
296-3911
February 26, 1991

House Transportation
2-26-91
ATTACHMENT 8-1



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue • Topeka, Kansas 66612 • (913) 235-2383
Kansas WATS 800-332-0156 FAX 913-235-5114

February 26, 1991

TO: House Transportation Committee
FROM: Kansas Medical Society *Christa Eelen*
SUBJECT: House Bill 2366; Accessible Parking for Persons With a Disability

Thank you for this opportunity to appear and express the support of the Kansas Medical Society for the provisions of HB 2366. Very simply stated, this bill would replace outdated terminology with more proper language. Passage of this bill would make it clear to everyone concerned that persons with a disability are not necessarily handicapped.

Our second reason for appearing on this bill is to point out to you that it includes the same section of the statutes that was recently amended by the House in HB 2060. That measure dealt with the definition section of the law and changed legislative policy to allow chiropractors, as well as medical doctors, to sign a statement verifying that a person is disabled and should be issued a special license plate or permanent placard for their motor vehicle. We apologize because we failed to observe the public notice of a hearing on HB 2060. As a result, it has now been passed in a flawed form. The definition of physician contained in HB 2060 is entirely inconsistent with the Healing Arts Act and numerous other statutory references to physicians or health care providers.

There is a very simple way of accomplishing the policy goal of the House by amending KSA 1990 Supp. 8-1,125 to state that a person licensed to practice the healing arts may sign the statement required for a special license plate or placard. The healing arts includes chiropractors as well as medical and osteopathic doctors. We have attached to this statement an amendment which would accomplish the same expressed policy as HB 2060 in a more appropriate fashion. We will, of course, request that HB 2060 be amended by the Senate in this same way. If, however, you decide to pass HB 2366 with the amendment we have suggested, then HB 2060 would become unnecessary. By contrast, if you pass HB 2366 in its current form, it would conflict with HB 2060.

Thank you for considering our comments. We respectfully request that you amend HB 2366 in the manner we have outlined and recommend it for passage.

/cb

Attachment

House Transportation
2-26-91
9-1

1 responsible for the transportation of such veteran. Motor vehicles
 2 displaying the distinctive license plates provided for in this act shall
 3 be permitted to park in any parking space on public or private
 4 property which is clearly marked as being reserved for the use of
 5 ~~handicapped~~ persons *with a disability* or persons responsible for
 6 the transportation of a ~~handicapped~~ person *with a disability*, except
 7 a parking space on private property which is clearly marked as being
 8 reserved for the use of a specified ~~handicapped~~ person *with a*
 9 *disability*, or park without charge in any metered zone and shall be
 10 exempt from any time limitation imposed on parking in any zone
 11 designated for parking, during the hours in which parking is per-
 12 mitted in any city.

13 Any person who willfully and falsely represents that such person
 14 has the qualifications to obtain the distinctive license plates provided
 15 for by this section, or who falsely utilizes the parking privilege
 16 accorded by this section, shall be guilty of an unclassified misde-
 17 meanor punishable by a fine of not more than \$250.

18 Sec. 2. K.S.A. 1990 Supp. 8-1,124 is hereby amended to read
 19 as follows: 8-1,124. As used in this act:

20 ~~(a) "Handicapped person"~~ *"Person with a disability"* means any
 21 individual with a severe visual or physical impairment or condition,
 22 which such impairment or condition limits such person's walking
 23 ability and results in an inability to travel, unassisted more than 200
 24 feet, without the use of a wheelchair, crutch, walker, prosthetic,
 25 orthotic or other assistive device; and

26 ~~(b) "physician" means a person licensed to practice medicine and~~
 27 ~~surgery in this state.~~

delete

28 Sec. 3. K.S.A. 1990 Supp. 8-1,125 is hereby amended to read
 29 as follows: 8-1,125. (a) Any Kansas resident who submits satisfactory
 30 proof to the director of vehicles, on a form provided by the director,
 31 that such person is a ~~handicapped~~ person *with a disability* or is
 32 responsible for the transportation of a ~~handicapped~~ person *with a*
 33 *disability* shall be issued a special license plate or a permanent
 34 placard for any motor vehicle owned by such person or shall be
 35 issued a temporary placard. Satisfactory proof of disability, condition
 36 or impairment shall include a statement from a ~~physician~~ or a Chris-
 37 tian Science practitioner listed in The Christian Science Journal cer-
 38 tifying that such person is a ~~handicapped~~ person *with a disability*.
 39 The placard shall be suspended immediately below the rear view
 40 mirror of any motor vehicle used for the transportation of a ~~hand-~~
 41 ~~icapped~~ person *with a disability* so as to be maximally visible from
 42 outside the vehicle. In addition to the special license plate or per-
 43 manent placard, the director of vehicles shall issue to the ~~handi-~~

(person licensed to practice the healing arts in this state

9.2



Kansas Chiropractic

ASSOCIATION

February 26, 1991

TO: House Transportation Committee

FROM: Joe Furjanic, Executive Director

RE: Support of HB 2366

KCA supports HB 2366. The new definitions in HB 2366 make clear that disabled drivers in the state of Kansas should have access to specially designated parking places.

As you know, the language on page 2 at line 26 and 27 is the language in the present statute regarding "physician" and that this portion of the statute has already been dealt with in HB 2060 which passed the House on February 18 and is now in the Senate Transportation and Utilities Committee.

*House Transportation
2-26-91
ATTACHMENT 10-1*



Commission on Disability Concerns
1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877
913-296-1722 (Voice) -- 913-296-5044 (TDD)
913-296-4065 (Fax)

Joan Finney, Governor

Michael L. Johnston, Secretary

February 26, 1991

TESTIMONY ON HOUSE BILL 2366 BY KEVIN SIEK
KANSAS COMMISSION ON DISABILITY CONCERNS

The Kansas Commission on Disability Concerns (KCDC) appreciates the opportunity to submit testimony in favor HB 2366. The opinions expressed in this testimony are those of KCDC and are not necessarily those of the administration.

KCDC believes that the changes in the language of the Kansas "handicapped" parking law are appropriate. There is certainly nothing handicapping about a parking space designated for people with disabilities or vehicles which transport them, in fact, they give people with disabilities greater access to the world around them. "Accessible" parking is a much more appropriate and descriptive term.

The term "person with a disability" is also more appropriate and presents a more positive image of people with disabilities. "Handicapped" conveys a negative connotation and focuses on the persons limitations. Like the words invalid or cripple it is becoming an anachronism. It is rarely used by people with disabilities to refer to themselves. The term "person with a disability" puts the person first and the disability last. By putting the person first we are better able to see people with disabilities as people who, like everyone else, have limitations, but who also have abilities which should not be overlooked.

KCDC applauds the modernization of this language and encourages the legislature to make similar changes in the language in all Kansas laws and regulations dealing with people with disabilities. I have attached a copy of "Unhandicapping Our Language" by Diane Piastro. I hope that it will be helpful in acquainting you with the preferred terminology associated with people with disabilities.

HOUSE TRANSPORTATION

2-26-91

ATTACHMENT 11-1

Unhandicapping Our Language

Paul K. Longmore, Ph.D., Author and Historian
Dianne B. Piastro, Syndicated Columnist

Language reflects and reinforces our perceptions and misperceptions of others. All too frequently the terms used for people with disabilities perpetuate stereotypes and false ideas. This guide is offered as one means to "unhandicap" our language and thinking. It is selective, not exhaustive. It is intended as a suggestion, not censorship.

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Objectionable		Preferable
(the) disabled (the) mentally retarded	<i>Sees people only in terms of their disabilities Robs us of individuality by lumping people into one undifferentiated category</i>	people with disabilities persons with mental retardation
(the) deaf (the) blind, etc.	<i>Humanizing nouns emphasize the person</i>	deaf citizens blind people
<i>The debate over the use of handicap versus disabled has not been settled. We do not select a preference</i>		
abnormal	<i>Sees people with disabilities as less human than others</i>	none is needed
(birth) defected defective	<i>Describes an object, dehumanizes a person</i>	congenital disability
Mrs. Kelly is an arthritic patient	<i>Sees someone as an object of medical care</i>	Mrs. Kelly has arthritis
Bill Cullen was: afflicted with, stricken with, or suffers from polio	<i>Connotes helplessness, dependency, defeat Denies other aspects of the person</i>	Bill Cullen had polio
victim FDR was a polio victim	<i>Connotes pitiful helplessness</i>	state the facts FDR had polio
INvalid	<i>(From the same root as inVALid) Inaccurate, most people with disabilities are not sickly</i>	none is needed
deaf and dumb deaf-mute dummy	<i>Implies mental incapacitation occurs with hearing loss and/or speech impairment</i>	deaf hearing impaired speech impaired
sightless, four eyes, blind as a bat	<i>Inaccurate, demeaning</i>	blind partially sighted vision impaired
cripple crippled crip	<i>No epithet is more offensive to people with physical disabilities (From Old English "to creep") A second meaning of this adjective is "inferior"</i>	FDR had a physical disability (or) FDR had polio
confined to a wheelchair wheelchair-bound wheel-chaired	<i>Creates a false impression: wheelchairs liberate, not confine or bind; they are mobility tools from which people transfer to sleep, sit in chairs, drive cars, etc.</i>	wheelchair user uses a wheelchair wheelchair using

Objectionable**Preferable**

Handel was epileptic
 Renoir was arthritic
 Geri Jewell is cerebral
 palsied

*These usages see people as their disabilities
 Inaccurate reference; a person is not a condition*

Handel had epilepsy
 Renoir had arthritis
 Geri Jewell has cerebral
 palsy

midget

Mythical, denies reality

short-statured person
 dwarf
 little people

The debate over the use of short-statured, dwarf and little people has not been settled within this community.

deformed
 misshapen

Connotes repulsive oddity

has a physical disability

hunchbacked

Demeaning

has a spinal curvature

lame
 paralytic
 gimp, gimpy
 withered

Demeaning

walks with a cane
 uses crutches
 Senator Dole has a
 disabled hand

monster
 vegetable
 creature
 freak

*Robs people with severe disabilities of their
 humanity*

the child has multiple or
 severe disabilities

mentally ill
 crazy, insane
 psycho, nut, maniac

Outdated and stigmatizing

mental disability
 emotional disability

brain damaged

Felt by many to be demeaning

brain injured
 head injury

retard, slow,
 simple-minded,
 idiot, Mongoloid

Demeaning

people with mental
 retardation

spastic, spazz

Demeaning

has seizures
 has cerebral palsy

has fits

has epilepsy

"special"

*Distancing and inappropriate, patronizing
 Describes that which is different about
 any person*

none is needed

physically challenged
 handi-capable
 inconvenienced
 differently-abled

*Euphemisms avoid reality and rob people
 of dignity*

a person has a physical,
 sensory or mental
 disability

Cutesy-pie labels are uninformative and trivialize an important part of a person's identity

inspirational, courageous

*People with disabilities are not collectively
 inspirational or courageous*

acknowledge the person's
 abilities and individuality

isn't it wonderful how he
 has overcome his
 disability?

*Inaccurate: People live with a disability, they
 have to overcome attitudinal, social,
 architectural, educational, transportation and
 employment barriers*

accept people for who
 they are, including that
 they have a disability