

Approved 3-24-92
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

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

9:02 a.m./~~pm~~ on March 18, 1992 in room 254-E of the Capitol.

~~All members were present except~~ Members present:
Senators Morris, Doyen, Brady, Hayden, Kanan, F. Kerr, Martin, Sallee and Thiessen.

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

Conferees appearing before the committee:
Betty McBride, Division of Motor Vehicles, Department of Revenue
Pam Somerville, Government Affairs Director, Kansas Motor Car Dealers Association.
Jacque Oakes, Kansas Independent Automobile Dealers Association
Pat Wiechman, Automotive Dismantlers and Recyclers Association

Hearing on H.B. 2482 - Mailing notice of security interest on motor vehicles.

Betty McBride, Division of Motor Vehicles, said out-of-state lienholders have repeatedly called and told the counties and the department that they do not want copies of the title application, and they will not pay the fee we request from them. When they don't pay, the county treasurers must absorb the processing and mailing costs. They now have more than 200 out-of-state lienholders who have stated they will not pay the fee, nor do they want a copy of the title application. (Attachment 1).

Hearing and Action on H.B. 2764 - Temporary license for vehicle salesman.

Pam Somerville, Kansas Motor Car Dealers Association, said the temporary salesman license was repealed in 1983. In 1985, the salesman licensing provisions were reinstated; however, the temporary permit portion was overlooked. Temporary permits were issued until it was discovered this summer that the provision no longer exists. They were requesting this legislation to provide a temporary 45-day permit. (Attachment 2).

Jacque Oakes, Kansas Independent Automobile Dealers Association, said they support providing the temporary licensing. (Attachment 3).

A motion was made by Sen. Hayden to recommend H.B. 2764 favorably for passage and recommended that it be placed on the Consent Calendar. Motion was seconded by Sen. Martin. Motion carried.

Hearing on H.B. 2765 - Exempting certain vehicles from mileage disclosure on certificate of title.

Pam Somerville, KMCDA, said this bill was requested to enable Kansas to conform to the same exemptions provided by the Federal Truth in Mileage Act of 1986. Vehicles that are ten years old would no longer have the requirement that the buyer has to attest to the mileage. It would still be required that the mileage be recorded on the title. (Attachment 4).

Pat Wiechman, KADRA, said they support this bill. On vehicles 10 years old or older there is very little value to be gained by rolling the odometer. This bill would provide uniformity with the federal Act. (Attachment 5).

(Over)

Jacque Oakes, KIADA, said they also support this bill. (Attachment 6).

Hearing and Action on H.B. 2788 - Selling motor vehicles without a license.

Betty McBride, Division of Motor Vehicles, said this bill was to eliminate the practice of "curbstoning" where someone could sell a vehicle without a dealer's license. They often jump title and sell junk cars to consumers who can barely afford the price of the vehicle and then can ill afford repairs after the vehicle breaks down. The "curbstoner's" name does not appear on the title and they avoid paying sales tax, personal property tax and registration fees. (Attachment 7).

Jacque Oakes, KIADA, said "curbstoning" is the number one complaint by all of their members. It is time to stop this activity and they support this bill. (Attachment 8).

A motion was made by Sen. Kanan to recommend H.B. 2788 favorably for passage and recommended that it be placed on the Consent Calendar. Motion was seconded by Sen. Hayden. Motion carried.

Discussion and Action on H.B. 2766 - Child passenger safety act.

A letter was distributed from Rep. Sandy Praeger dated March 17, 1992 in regard to children being able to ride in the back of pickups with camper shells. A copy of the letter is attached. (Attachment 9).

The committee discussed this bill and said it had been requested by law enforcement and they need this bill but new Section 2 seems to be the problem. They felt the public should be informed on this and people should have an opportunity to address it.

A motion was made by Sen. Brady to delete new Section 2 of H.B. 2766. Motion was seconded by Sen. Hayden. Motion carried.

Capt. Terry Scott, Highway Patrol, said the original bill was what they had requested.

A motion was made by Sen. Brady to recommend H.B. 2766 as amended, favorably for passage. Motion was seconded by Sen. Martin. Motion carried.

Action on H.B. 3015 - Wheelchairs excluded from definition of motor vehicles and persons defined as pedestrians.

A motion was made by Sen. Martin to exclude people in wheelchairs in the definition of motor vehicle while they are hunting. Motion was seconded by Sen. Sallee. Motion carried.

A motion was made by Sen. Martin to recommend H.B. 3015 as amended, favorably for passage. Motion was seconded by Sen. Kanan. Motion carried.

Discussion and Vote on H.B. 2971 - Establishing the coordinated transit districts act.

A motion was made by Sen. Brady to recommend H.B. 2971 favorably for passage. Motion was seconded by Sen. Martin.

The committee discussed the bill and felt there would be some administrative costs involved in this bill and it would mean less money for transporting of citizens.

The motion failed on a tie vote.

Meeting was adjourned at 10:00 a.m. Next meeting March 19, 1992.

SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-18-92 Place 254-E Time 9:02

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Pat Wiechman	Topeka	Ks Automotive Dismantlers & Recyclers Assn.
Lam Somerville	TOPEKA	Ks Motor Car Parts Assn
Mike Steven	Wichita	Stiver Motor Group
Jacque Dakes	Topeka	KIADA
Tom Whitaker	TOPEKA	Ks Motor Car Parts Assn
Rick Scheibe	Topeka	K DOR
Ken Wah	Topeka	K DOR
Patty McBride	Topeka	K DOR
Denny Scott	Topeka	KAP

STATE OF KANSAS

Betty McBride, Director
Robert B. Docking State Office Building
915 S.W. Harrison St.
Topeka, Kansas 66626-0001



(913) 296-3601
FAX (913) 296-3852

Department of Revenue
Division of Vehicles

To: Senate Committee on Transportation and Utilities
From: Betty McBride, Director of the Division of Vehicles
Kansas Department of Revenue
Date: March 18, 1992
Subject: **House Bill 2482**

Mr. Chairman, members of the Committee,

My name is Betty McBride. I am Director of the Kansas Division of Vehicles and I appear before you on behalf of the Kansas Department of Revenue regarding House Bill 2482.

This bill amends K.S.A. 8-135 and requires county treasurers to only mail a copy of the title application to Kansas lienholders. We are requesting this legislation not only on behalf of the department of revenue, but also on the request of county treasurers.

Out-of-state lienholders have repeatedly called and told the counties and the department that they do not want copies of the title application, and they will not pay the fee we request from them. If they don't pay the fee, the county treasurer must then absorb the processing and mailing costs. The reason most out-of-state lienholders don't want a copy of the title application is because they are located in title holding states and they will soon have the actual certificate of title. The division now has more than 200 out-of-state lienholders who have stated they will not pay the fee, nor do they want a copy of the title application.

I request this committee pass favorably on this bill.

I stand for any questions you might have.

Att. 1
T&U
3-18-92



KANSAS MOTOR CAR DEALERS ASSOCIATION
800 Jackson, Suite 808 • Topeka, Kansas 66612 • (913) 233-6456 • (800) 748-8201 (KS only) • FAX (913) 233-1462

March 18, 1992

TO: The Honorable Bill Morris, Chairman
Senate Transportation & Utilities Committee

FROM: Pam Somerville, Government Affairs Director

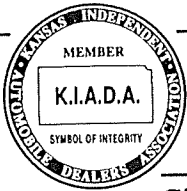
RE: House Bill 2764

Mr. Chairman and members of the committee. I am Pam Somerville, Government Affairs Director for the Kansas Motor Car Dealers Association.

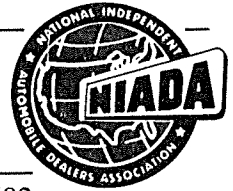
House Bill 2764 will reinstate the temporary salesman license repealed in 1983. K.S.A. 8-2407 authorized temporary permits for motor vehicle salesmen which was repealed along with the permanent licensing statute. In 1985, the salesman licensing provisions were reinstated; however, the temporary permit portion was overlooked. The Division of Vehicles continued to issue temporary permits until this summer when it was discovered that the provision no longer existed. As a result, I appear before you today and ask for your support of HB 2764.

Thank you for the opportunity to appear in support of this bill.

Att. 2
T&U
3-18-92



KANSAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION



Citizens Bank & Trust Building • 6th & Humboldt • Manhattan, Kansas 66502
Phone: 913-776-0044 FAX: 913-776-7085

March 18, 1992

TO: SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES
SUBJECT: HB 2764--TEMPORARY LICENSE FOR VEHICLE SALESMAN
FROM: KANSAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION

Mr. Chairman and Members of the Committee:

I am Jacqué Oakes representing the Kansas Independent Automobile Dealers Association, an organization of over 200 used car dealers.

We appear today in favor of HB 2764 providing for temporary licensing for Vehicle Salesman.

Because the temporary permit for a vehicle salesman was not reinstated in 1985 when the permanent licensing statutes for salesman were reinstated, we believe that this temporary permit should be made legal and returned to the statutes.

This permit would make it possible for an individual to be legally working to make a living while waiting to receive his approval of a permanent license from the Division of Vehicles.

Thank you for your time and consideration of HB 2764.

Att. 3
T&U

Individually we struggle to be heard—Collectively we cannot be ignored.



KANSAS MOTOR CAR DEALERS ASSOCIATION

800 Jackson, Suite 808 • Topeka, Kansas 66612 • (913) 233-6456 • (800) 748-8201 (KS only) • FAX (913) 233-1462

March 18, 1992

TO: The Honorable Bill Morris, Chairman
Senate Transportation & Utilities Committee

FROM: Pam Somerville, Government Affairs Director
Kansas Motor Car Dealers Association

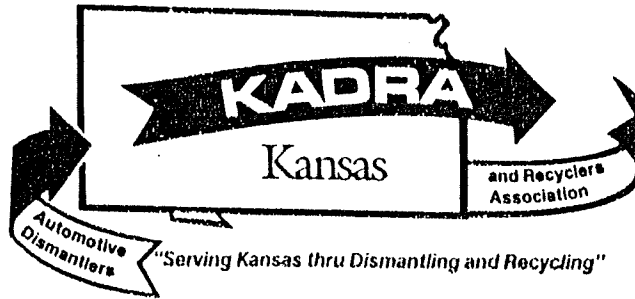
RE: House Bill 2765
Uniformity with Federal Odometer Requirements

Mr. Chairman and members of the committee. I appear before you today in support of House Bill 2765 which would enable Kansas to mirror the exemptions provided by the Federal Truth in Mileage Act of 1986. Currently, 39 states have adopted the 10 year old and older exemption and 37 states have adopted the exemption for trucks 16,000 pounds and over. Kansas statute presently requires the buyer to attest to the mileage on these types of vehicles and adoption of the federal exemption would alleviate this requirement which oftentimes creates delays in completing sales transactions particularly if a title comes from a state that has adopted the exemption.

I would point out, Mr. Chairman, that this does not mean that mileage will no longer appear on titles. The mileage will still be stated on the title as required by Kansas statute.

Again, thank you for the opportunity to appear before you today. I would be happy to respond to questions.

Att. 4
T&U
3-18-92



SENATE TRANSPORTATION
& UTILITIES COMMITTEE

March 18, 1992

House Bill No. 2765

Mr. Chairman, Members of the Committee:

I am Pat Wiechman, executive director for the Kansas Automotive Dismantlers and Recyclers Association.

K.A.D.R.A. wishes to express our support for passage of HB 2765 which would provide an exception for vehicles that are 10 model years or older and trucks with a gross vehicle weight of more than 16,000 pounds from the mileage acknowledgment requirement of the purchaser or the person to whom the vehicle is being assigned.

In order to understand the reason for this exception, it is necessary to look at the reason for the mileage reporting. The Federal Truth In Mileage Act was created in an attempt to control odometer roll backs. The Act requires that the odometer disclosure be made when vehicle ownership is transferred; however, the Act also provides for the exceptions to

that disclosure in certain instances which include vehicles which are 10 model years or older and trucks with a gross vehicle weight of more than 16,000 pounds.

Turning the odometer back, or a roll back, is done for one reason - to increase the sale price of a vehicle. On vehicles that are 10 model years or older, there is very little value to be gained by rolling the odometer. On vehicles of more than 16,000 pounds, often the engine is monitored with an hour meter and the value is based on engine hours, rather than miles driven. Therefore, in each case, the issue of rolling the odometer simply does not come up because there is very little money to be gained.

Kansas has often enjoyed being among the first to adopt and comply with recommendations from the A.A.M.V.A. and other national organizations. However, this time, we in Kansas have definitely "drug our feet" in conforming to the national trend. We are among the very few who have not adopted the standards and exemptions to the Federal Truth In Mileage Act.

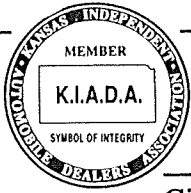
Uniformity is the key word. K.A.D.R.A. has long supported a national uniform title and uniform titling process. It is difficult for law enforcement to keep informed of the changes in laws for the 50 states; it is impossible for Kansas dealers to have that kind of general knowledge. Kansas dealers handle vehicles and titles that come from all over the country. We believe that uniformity in the title forms themselves and uniformity in the laws of the various states, will provide greater accuracy for the Kansas dealers in the processing of the large numbers of titles that are handled. Uniformity will mean less chance for mistakes and will make mistakes easier to detect. It will also help in the detection of *intentional* mistakes or unlawful activities.

K.A.D.R.A. requests your favorable passage of House Bill 2765. I will be happy to try to address questions that you may have.

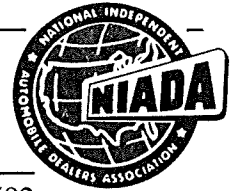
Respectfully submitted,

Patricia M. Wiechman
Executive Secretary

att. 5
3-18-2
(3 of 3)



KANSAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION



Citizens Bank & Trust Building • 6th & Humboldt • Manhattan, Kansas 66502
Phone: 913-776-0044 FAX: 913-776-7085

March 18, 1992

TO: SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES
SUBJECT: HB 2765--EXEMPTING CERTAIN VEHICLES FROM MILEAGE
DISCLOSURE ON CERTIFICATES OF TITLE
FROM: KANSAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION

Mr. Chairman and Members of the Committee:

I am Jacque Oakes representing the Kansas Independent Automobile Dealers Association, an organization of over 200 used car dealers.

We appear today in favor of HB 2765 that would permit Kansas to exempt vehicles 10 model years and older and heavy trucks more than 16,000 pounds from the federal odometer requirements.

In 1988 the National Highway Traffic Safety Administration of the Department of Transportation ruled that the mileage reporting and disclosure requirements were no longer necessary. However, the miles visible on the odometer would be entered on the back of the title. At this time Kansas is one of six states that has failed to put this exemption into law.

We believe that this would give uniformity to the industry in dealing with other states.

Thank you for your serious consideration of HB 2765.

Att. 6
T&U
3-18-92

Individually we struggle to be heard—Collectively we cannot be ignored.

CERTIFICATE OF TITLE
ORIGINAL

TITLE NUMBER
AM251046

03921AJ692

VEHICLE IDENTIFICATION NUMBER	YEAR	MAKE	MODEL	BODY STYLE	FUEL
1G4AM47A6CH189267	82	BUIC	REGAL	TUDOR	G
CYL HP PREVIOUS STATE	MILEAGE AT TIME OF TRANSFER	TAX	PURCHASE DATE	DATE ISSUED	
6 34	*	PAID	10/14/91	10/23/91	

OWNER
 SPANGGAARD PETER & SORENSEN LARS WENDT
 300 W LOUIS ST
 ST JOSEPH MO 64501

MAIL TO
 SPANGGAARD PETER & SORENSEN LARS WENDT
 300 W LOUIS ST
 ST JOSEPH MO 64501

VEHICLE SUBJECT TO FOLLOWING LIEN(S)

RELEASE OF LIEN-The holder of lien on the vehicle described in this certificate of title does hereby state that the lien described in said certificate of title is released and discharged.

FIRST LIEN	LIEN DATE	NAME OF FIRM
		SIGNATURE OF AUTHORIZED AGENT
		DATE RELEASED:
		NAME OF FIRM
		SIGNATURE OF AUTHORIZED AGENT
		DATE RELEASED:

MILEAGE STATEMENT

*EXEMPT FROM MILEAGE REQUIREMENTS

MO 860-0331 (11-89)

C13586465

Raymond J. Wagner, Jr.
 DIRECTOR OF REVENUE



DOR-387 (11-89)

ANY ALTERATION OR ERASURE VOIDS THIS TITLE

Blue #126

att. 6
3-18-2

292

STATE OF KANSAS



Betty McBride, Director
Robert B. Docking State Office Building
915 S.W. Harrison St.
Topeka, Kansas 66626-0001

(913) 296-3601
FAX (913) 296-3852

Department of Revenue
Division of Vehicles

To: Senate Committee on Transportation and Utilities

From: Betty McBride, Director Division of Vehicles

Date: March 18, 1992

Subject: **House Bill 2788**

Mr. Chairman, Committee members,

I am Betty McBride, Vehicle Director for the Division of Vehicles. I am appearing before you today in support of House Bill 2788.

House Bill 2788 was introduced to curtail a very serious problem existing in virtually every community in Kansas, and affecting not only Kansas vehicle dealers but also Kansas consumers. This is the practice of selling vehicles without a dealers license or operating on the street without maintaining an office. This practice is known as curbstoning. By way of further explanation, a copy of K.A.R. 92-50-42 is attached.

Disguised as an occasional or isolated sale, curbstoners often jump titles and make a career out of buying junk cars for a few hundred dollars and selling them for many times more than they're worth. When a curbstoner "jumps title" they not only avoid registering the vehicle in their name and are therefore omitted from the chain of ownership, but they also avoid paying sales tax, personal property tax and registration fees. Because a curbstoner's vehicles are sold "as is", without warranty, the curbstoner assumes no liability for the condition of the vehicle. More often than not, people who buy from a curbstoner can barely afford the asking price, much less afford repairs after the vehicle breaks down. The division receives many calls from consumers who have purchased these type of vehicles, asking that we intercede in their behalf in helping to either get the money they paid for the vehicle back or insist that the person selling them the vehicle provide warranty for problems that have surfaced with the vehicle. Since these are not licensed dealers we have no jurisdiction in these matters.

House Bill 2788 authorizes criminal penalties for individuals convicted as operating as unlicensed vehicle dealers. The effective enforcement of this law will also foster a closer working relationship between the Division of Vehicles and local law enforcement.

The Department of Revenue asks your favorable consideration of House Bill 2788.

Att. 7
T&U
3-18-92

19. RESERVED

MANUFACTURE, DISTRIBUTION OF MOTOR VEHICLE LICENSE BOARD

Authorized by K.S.A. 8-190, 8-2303; effective, E-74-57, Sept. 30, 1976; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-50-21. (Authorized by K.S.A. 8-191, 8-2303; effective, E-74-57, Sept. 30, 1976; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-50-27. (Authorized by K.S.A. 8-191, 8-2303; effective, E-74-57, Sept. 30, 1976; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

Authorized by K.S.A. 8-143i, 8-2303; effective, E-74-57, Sept. 30, 1976; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

Authorized by K.S.A. 8-2303, 8-2304; effective, E-77-49, Sept. 30, 1976; effective Feb. 15, 1977; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

Authorized by K.S.A. 8-191, 8-2303; effective, E-74-57, Sept. 30, 1976; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

Authorized by K.S.A. 8-191, 8-2303; effective, E-74-57, Sept. 30, 1976; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

K.S.A. 8-2314; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; revoke E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-50-38. (Authorized by K.S.A. 8-2303, 8-2304; effective, E-77-49, Sept. 30, 1976; effective Feb. 15, 1977; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-50-39 and 92-50-40. (Authorized by K.S.A. 8-2314; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-50-41. (Authorized by K.S.A. 8-191, 8-2314; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-50-42. Sales prima facie evidence of engaging in business; motor vehicle dealer license required. The sale of five (5) or more motor vehicles in any one (1) calendar year shall be prima facie evidence that a person is engaged in the business of selling motor vehicles and, unless rebutted or overcome by other evidence, shall require that person to obtain a motor vehicle dealer's license. A person shall be entitled to a hearing conducted in accordance with K.S.A. 1980 Supp. 8-2411 to rebut this evidence. (Authorized by K.S.A. 1981 Supp. 8-2423; implementing K.S.A. 1981 Supp. 8-2401, 8-2403, 8-2404; effective, E-82-26, Dec. 16, 1981; effective May 1, 1982.)

92-50-43 to 92-50-56. Reserved.

92-50-57. (Authorized by K.S.A. 8-191;

K.S.A. 8-191; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; revoke E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-51-5. (Authorized by K.S.A. 8-135 (a), 74-2004; effective, E-71-9, Jan. 1, 1972; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-51-6 to 92-51-8. (Authorized by K.S.A. 8-191; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-51-9. (Authorized by K.S.A. 74-2011, 74-2004; effective, E-71-9, Jan. 1, 1972; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-51-10. (Authorized by K.S.A. 74-2011, 8-135, 74-2004; effective, Jan. 1, 1971; effective, Jan. 1, 1972; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-51-11. (Authorized by K.S.A. 8-135(a), 74-2004; effective, E-71-9, Jan. 1, 1972; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-51-12 and 92-51-13. (Authorized by K.S.A. 8-191; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; revoked, E-82-26, Dec. 16, 1981; revoked May 1, 1982.)

92-51-14. (Authorized

*att. 7
3-18-2
282*



KANSAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION



Citizens Bank & Trust Building • 6th & Humboldt • Manhattan, Kansas 66502
Phone: 913-776-0044 FAX: 913-776-7085

March 18, 1992

TO: SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

SUBJECT: HB 2788--AN ACT CONCERNING MOTOR VEHICLES'
DEALERS; IMPOSING CRIMINAL SANCTIONS
ON THOSE SELLING MOTOR VEHICLES WITH-
OUT A LICENSE.

FROM: KANSAS INDEPENDENT AUTOMOBILE DEALERS
ASSOCIATION

Mr. Chairman and Members of the Committee:

I am Jacque Oakes representing Kansas Independent Automobile Dealers Association, an organization of over 200 used car dealers.

We are appearing before you in favor of HB 2788.

The one act that car dealers resent the most is the sale of five or more cars by an individual outside of the law while car dealers must have a license and operate within the law. Curbstoning, the term used for this type of law breaking, is the number one complaint by all of our members.

Licensed car dealers must keep exact records of all titles, and they must collect sales tax on all vehicles sold. Curbstoners can sell many cars, skipping titles, and never collecting Kansas sales tax.

We believe that it is time to stop this activity by giving the Division of Vehicles and their investigators the authority to enforce the law.

Thank you for your positive consideration of HB 2788.

Att. 8
T&U
3-18-92

Individually we struggle to be heard--Collectively we cannot be ignored.

SANDY PRAEGER
REPRESENTATIVE, 44TH DISTRICT
3601 QUAIL CREEK COURT
LAWRENCE, KANSAS 66047
(913) 841-3554



COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
ELECTIONS
PUBLIC HEALTH & WELFARE

TOPEKA

HOUSE OF
REPRESENTATIVES

March 17, 1992

Memo to: Senate Transportation Committee

From: Representative Sandy Praeger

RE: HB 2766

A handwritten signature in cursive script, appearing to read "Sandy Praeger". The signature is written in black ink and is positioned to the right of the "From:" line.

As you deliberate about HB 2766 I thought the following article might be of interest to you. Mr. Jack Petty was concerned about children being able to ride in the back of pickups with camper shells. The article mentions the fact that sometimes the shell itself can cause injury. He also was concerned about children riding in the back of pickups with slide-in campers. If the camper has a seat and a seat belt then children could ride in this area while the vehicle is in motion.

Bruce Kinzie said he felt my testimony might have left some questions about the vehicles that are covered by New Section 2. I limited my comments to pickup trucks because most of the concern is about pickups. But New Section 2 does include riding on "any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion." This would include hanging on the outside of a passenger car or riding on the hood or trunk. I hope this clarifies my testimony for you.

Thank you, again, for consideration of HB 2766.

Att. 9
T&U
3-18-92

AMERICAN ACADEMY OF PEDIATRICS

Committee on Injury and Poison Prevention

Children in Pickup Trucks

According to data collected by the Fatal Accident Reporting System (FARS) of the National Highway Traffic Safety Administration (NHTSA), 127 children and youth, aged 19 years or less, were killed in 1987 while riding in the back of pickup trucks.¹ Approximately 1000 more are injured yearly. The Committee is concerned about this largely preventable means of injury to children.

There are relatively few published data specifically dealing with the risk to children riding in the beds of pickup and other single-unit trucks. Data from studies of fatalities resulting from falls and jumps from motor vehicles indicate that these events are more likely to occur in persons riding in exterior locations, especially in the beds of pickup and single-unit trucks. Young people between the ages of 10 and 19 years represent more than half of the deaths occurring to people traveling in truck beds; males predominate. Most noncollision deaths are caused by falls; such falls occur because of the actions of vehicles such as swerving, braking, or traveling over rough roads. About one third of the time the person killed was standing up, sitting on the tailgate, changing positions, or involved in horseplay or fighting.^{2,3} Ejections during collision and rollovers are associated with the highest incidence of injury and death.⁴

Studies of children injured in noncrash motor vehicle injury events have shown that ejection from the vehicle contributes greatly to the seriousness of the injuries sustained. One such study revealed that half of the noncrash injuries to children occurred

as a result of ejections or falls from the vehicle, and that children who were ejected or fell were four times as likely as those who were not ejected to be riding on the exterior of the vehicle. Children who fell or were ejected sustained more multiple injuries, more extremity fractures, and more internal head injuries than those who were injured inside the vehicle.⁵ Passengers in pickup truck beds are at even greater risk of these ejection injuries than unrestrained passengers inside a vehicle.

Recently published data specifically about children injured in pickup trucks confirm the greater risk of noncrash injury, ejection from the vehicle, and more serious injuries.^{6,7} A retrospective review of patients admitted to a children's hospital after incurring injuries in the backs of pickups showed a 30% incidence of severe head trauma.⁷ Both of these studies suggest, from limited data available, that the presence of a camper shell offers little protection; severe injuries occurred with shells, and, in some cases, the shell itself caused injury.⁶

Few states have laws restricting the transportation of passengers in open truck beds. Two states presently prohibit riding in truck beds, and two others bar only young children from doing so.⁸ In one state, the prohibition does not apply if the child is accompanied by an adult.⁹ In some states, young children are prohibited by child restraint laws from riding in truck beds.⁷ Model laws "prohibiting riding in any area where passenger seats and seat belts are not provided" and "prohibiting passengers from riding in open-cargo areas of vehicles that are not being used for work-related purposes" have been suggested.¹⁰

Pickup trucks are becoming increasingly popular as family vehicles, particularly in rural areas where they contribute to the observed much higher mortality from motor vehicle crashes.¹⁰ Even in urban and suburban areas, more and more trucks are being used by families because of their interest in recreational activities.

This statement has been approved by the Council on Child and Adolescent Health.

The recommendations in this publication do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

PEDIATRICS (ISSN 0031 4005). Copyright © 1991 by the American Academy of Pediatrics.

RECOMMENDATIONS

1. Additional data should be gathered to measure the impact of this type of injury, looking closely at those states which already prohibit riding in truck beds.
2. The Academy believes that the best way to reduce the incidence of injuries to children riding in pickup trucks is to prohibit all passengers from riding in truck beds, or in any area of a vehicle which does not have a seat and a seat belt. Such laws should not be directed only at preteenaged children, as they are in some states, because studies have shown that the highest risk is to teenagers and young adults. The Academy urges Fellows, through their state chapters, to work with lawmakers toward enacting acceptable legislation that effectively will prevent needless injury and death to children riding in light trucks.
3. Pickup truck manufacturers are encouraged to alter truck design to provide trucks with more secure passenger space, such as those with an additional rear seat available in some of the larger models.
4. Pediatricians should educate families about the dangers of riding in open truck beds and strongly recommend that parents never allow their children to do so. It may also be helpful to suggest that families considering purchasing a truck evaluate the risks and benefits involved before they do so. They may wish to consider trucks with an additional rear seat, and to let dealers and manufacturers know specifically why they are doing so.

COMMITTEE ON INJURY AND POISON PREVENTION, 1990 to 1991

Mark D. Widome, MD, MPH, Chairman
William E. Boyle, Jr, MD
Katherine K. Christoffel, MD, MPH

Murray L. Katcher, MD, PhD
Sylvia H. Micik, MD
George C. Rodgers, Jr, MD, PhD

Liaison Representatives

Gerard M. Breitzer, DO, American College of Osteopathic Pediatricians

John S. O'Shea, MD, Ambulatory Pediatric Association

Juan Rodriguez, MD, MPH, Centers for Disease Control

Peter Scheidt, MD, MPH, National Institute of Child Health and Human Development

Richard Stanwick, MD, Canadian Paediatric Society

Section Liaisons

Joseph J. Tepas, III, MD, Section on Surgery

Susan B. Tully, MD, Section on Pediatric Emergency Medicine

REFERENCES

1. US DOT Fatal Accident Reporting System. Washington, DC: National Traffic Highway Safety Administration; 1987
2. Williams AF, Goins SE. Fatal falls and jumps from motor vehicles. *Am J Public Health*. 1981;71:275-279
3. Williams AF. Children killed in falls from motor vehicles. *Pediatrics*. 1981;68:576-578
4. Cunningham JW, Wilson FR. Injury patterns for occupants of small trucks. *Accid Anal Prev*. 1989;21:105
5. Agran PF, Dunkle DE, Winn DG. Motor vehicle childhood injuries caused by non-crash falls and ejections. *JAMA*. 1985;253:2530
6. Agran P, Winn D, Castillo, D. Pediatric occupant injuries in pick-up trucks. In: Harris BH, Coran AG, eds. *Progress in Pediatric Trauma*. 3rd Ed. Boston: Nobb Hill; 1989
7. Woodward GA, Bolte RG. Children riding in the back of pickup trucks: a neglected safety issue. *Pediatrics*. 1990;86:683-691
8. Luce TP, Nachhman RM. *Digest of Motor Laws*. 55th Ed. Falls Church, Virginia: American Automobile Association; 1989
9. California Vehicle Code, Section 23116
10. Baker SP, Whitfield RA, O'Neill B. Geographic variation in mortality from motor vehicle crashes. *N Engl J Med*. 1987;316:1384

att. 9
3-18-2
3 of 3