

Approved: 2-19-97  
Date

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:30 p.m. on February 12, 1997 in Room 526-S of the Capitol.

All members were present except: Representative Jim Long, excused  
Representative Dennis McKinney, excused  
Representative Eugene Shore, excused

Committee staff present: Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Jackie Buchanan, Committee Secretary

Conferees appearing before the committee:

Representative Michael O'Neal  
Gordon Smith, Patrolman, Hutchinson Police Department (Traffic Unit)  
Jim Keating, Kansas SAFE KIDS Coalition  
Teresa Sittenauer, The State Farm Insurance Companies  
Helen Stephens, Kansas Peace Officers Association and Kansas Sheriffs Association  
Paul Shelby, Assistant Judicial Administrator, Office of Judicial Administration  
Sherlyn Sampson, Clerk of District Court in Douglas County, Kansas Association of District Court Clerks & Administrators  
Rosalie Thornburgh, Bureau Chief of Traffic Safety, Kansas Department of Transportation  
Paula Marmet, Director, Bureau of Chronic Disease and Health Promotion  
Steve Dickerson, Kansas Trial Lawyers Association  
Lieutenant Terry L. Maple, Kansas Highway Patrol  
Representative Tony Powell  
Gloria Oxendine  
Betty McBride, Director, Kansas Division of Vehicles, Department of Revenue

Others attending: See attached list

Chair apologized for meeting starting twenty minutes late as the House Session adjourned into the scheduled meeting time.

**HB 2165 - Use of child car safety seats and seat belts; creating a highway safety education fund; allowing parties to introduce evidence of failure to wear a seat belt contributed to the injuries caused.**

Hearing was opened. The Chair called on Representative Michael O'Neal who presented testimony in favor of the bill advising that **HB 2165** would make all belt use laws subject to primary enforcement, extend protection to all vehicle occupants in all passenger vehicles, emphasize enforcement and levy significant fines, and conduct combined public awareness and enforcement campaigns. Presently a citation can only be written as a secondary enforcement. (Attachment 1)

Patrolman Gordon A. Smith, Hutchinson Police Department (Traffic Unit) presented testimony as a proponent of **HB 2165**. He stated that many people do not know the proper way to install Child Car Carriers in their vehicles. He has been instrumental in forming the Reno County Child Safety Seat Partnership to educate citizens of the importance of using seat belts properly, the types of restraint systems available, and proper installation of Child Car Carriers. Patrolman Smith showed a short video of a crash simulation without use of seat belts. He would like to see the law allow non-usage of seat belts to be used as evidence in court cases. (Attachment 2)

## CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 526 -S Statehouse, at 1:30 p.m. on February 12, 1997.

Jim Keating, Chair, Public Policy Committee, Kansas SAFE KIDS Coalition, testified in support of **HB 2165** and feels that strengthening safety belt laws and enforcement will lead to increased safety belt use by adults and children and result in less traffic related injuries and fatalities. (Attachment 3)

Teresa L. Sittenauer, Legislative Counsel, The State Farm Insurance Companies, testified in support of **HB 2165** as it would allow evidence of failure to secure a child in a child safety seat or a seat belt for purposes of determining comparative negligence or mitigation of damages; it would allow evidence of failure of any person to wear a seat belt for purposes of mitigation of damages; and it would amend current Kansas law of secondary enforcement of seat belt laws to create a primary enforcement law. All three reasons contribute to reduction of claims cost and would have an impact on auto insurance premiums in Kansas. (Attachment 4)

Helen Stephens, Kansas Peace Officer Association and Kansas Sheriffs Association, presented testimony in support of **HB 2165** as the bill would create the highway safety education fund and make non-use of seat belts a primary offense. (Attachment 5)

Paul Shelby, Assistant Judicial Administrator, Office of Judicial Administration, requested an amendment to **HB 2165** to Sections 5 and 6 and adding a Section 7 which relates to the remittances of fines, penalties and forfeitures received by the Clerks of the District Court to the State Treasurer. He is requesting a percent of all fines, penalties and forfeitures to the Highway Safety Education Fund. This way the State Treasurer would divide the dollars and not the 105 clerks. (Attachment 6)

Sherlyn Sampson, Clerk of District Court, Douglas County, presented testimony for the Kansas Association of District Court Clerks & Administrators requesting that the Clerks continue to pay all fines to the State Treasurer who would in turn pay a percentage of these fines to the highway safety education fund. She supports the amendment proposed by Paul Shelby. The bill as written now would have a substantial impact on the 105 District Courts accounting systems. (Attachment 7)

Rosalie Thornburgh, Bureau Chief of Traffic Safety, Kansas Department of Transportation, testified that studies have shown in states which have primary laws for seat belt protection the usage rate is generally 10 to 15 percentage points higher than states with secondary laws, and fatalities and injuries are much lower. (Attachment 8)

Paula Marmet, Director, Bureau of Chronic Disease and Health Promotion, provided testimony that **HB 2165** appears as an effort to decrease death and injury from motor vehicles crashes. If drivers know a fine will be imposed for failure to provide a child safety restraint and/or to use a safety belt, they may be more motivated to purchase and use safety restraint systems before a citation occurs. (Attachment 9)

Lieutenant Terry Maple, Kansas Highway Patrol, testified the seat belt law requires a two-pronged approach that includes both education and enforcement and **HB 2165** provides the necessary balance between the two, and effectively maximizes their ability to protect Kansas Motorists from unnecessary injury or death. (Attachment 10)

Written testimony in support of **HB 2165** was presented by Kansas MADD, Mothers Against Drunk Driving, as they believe this bill will save lives and prevent injuries. (Attachment 11)

Steve Dickerson, Kansas Trial Lawyers Association, presented testimony in opposition to **HB 2165**. KTLA supports use of safety belts, but this bill will not improve compliance with safety belt laws. This bill would allow the introduction of evidence of the nonuse of safety belt in motor vehicle collision cases and in some cases the wrongdoer can escape responsibility if the victim was not wearing the seat belt. He feels the present law is the best. (Attachment 12)

Hearing was closed on **HB 2165**.

### **HB 2167 - Displaying or possessing a suspended driver's license is a Class B misdemeanor**

Hearing was opened. The Chair called on Representative Tony Powell who introduced the bill requesting to reduce the penalty of a suspended driver's license. He requested this legislation because of his friend, Gloria Oxendine, and a suspended license, which is a felony under present law, and asked that she tell her story.

Gloria Oxendine presented testimony in support of **HB 2167** as she became a felon overnight when her driver's license was suspended unknown to her. Proof of insurance from her insurance company was not received by the Motor Vehicle Department and subsequently her license was suspended. An error was made apparently by insurance company, but when her license was checked after a small accident, the check indicated her license was suspended, and under present law a felony. (Attachment 13).

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE, Room 526 -S Statehouse, at 1:30 p.m. on February 12, 1997.

As committee time was depleted, the Chair asked other conferees if they would be willing to return on February 13 to testify, or let their written testimony stand without testifying before the committee.

Betty McBride, Director, Kansas Division of Vehicles, Department of Revenue, is supportive of this legislation with an amendment on line (17), paragraph one (1) strike the words canceled and revoked and on line 37 after word suspended add canceled or revoked and felt no reason to return to testify. (Attachment 14)

Helen Stephens, Kansas Peace Officers Association and Kansas Sheriffs Association, advised they were in support of HB 2167 but would suggest several amendments which is in her written testimony, and she did not believe she would need to return to testify. (Attachment 15)

Lieutenant Terry L. Maple, Kansas Highway Patrol, advised his written testimony would be acceptable and would not need to return to testify. (Attachment 16)

Hearing was closed on HB 2167.

Meeting was adjourned at 3:30.

The next meeting is scheduled for February 13, 1997.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: February 12, 1997

| NAME               | REPRESENTING               |
|--------------------|----------------------------|
| Paul Shelby        | QTA                        |
| Shelby Sampson     | KADCCA                     |
| Jay Talley         | KADCCA                     |
| Jim HEATING        | KANSAS SAFE KIDS COALITION |
| T. Maples          | KHP                        |
| Rosalie Thornburgh | KDOT                       |
| Paula Marnett      | KDHE                       |
| Steve Dickerson    | KTLA                       |
| Ken Clark          | KDOR                       |
| Rick Scheibe       | KDOR                       |
| Gary Carter        | KDOR                       |
| Betty McBride      | KDOR                       |
| Steve Blanks       | Hubbell + Assou.           |
| Joseph Menauer     | State Farm                 |
| Derek Gabriel      | KTLA                       |
| Rep Tony Powell    |                            |
| John Opndine       | Self                       |
| Flora Oxendine     | Self                       |
| Tom WHITAKER       | Ks MOTOR CARRIERS ASSN.    |



# STATE OF KANSAS HOUSE OF REPRESENTATIVES

**MICHAEL R. (MIKE) O'NEAL**

10TH DISTRICT  
HUTCHINSON/NORTHEAST RENO COUNTY

LEGISLATIVE HOTLINE  
1-800-432-3924



**CHAIRMAN:  
EDUCATION COMMITTEE**

**MEMBER:**  
FISCAL OVERSIGHT  
TOURISM  
RULES AND JOURNAL COMMITTEE  
JOINT COMMITTEE ON GAMING COMPACTS

## Kansas Traffic Accident Facts - 1995

### SAFETY BELT USAGE

| SAFETY BELT USAGE           | INJURY SEVERITY | DRIVERS |     | FRONT SEAT PASSENGERS |     | BACK SEAT PASSENGERS |     | TOTALS  |     |
|-----------------------------|-----------------|---------|-----|-----------------------|-----|----------------------|-----|---------|-----|
|                             |                 | NUMBER  | %   | NUMBER                | %   | NUMBER               | %   | NUMBER  | %   |
| LAP BELT & SHOULDER HARNESS | NO HARM         | 70,361  | 85  | 21,599                | 85  | 7,445                | 90  | 99,405  | 85  |
|                             | INJURED         | 12,098  | 15  | 3,657                 | 14  | 820                  | 10  | 16,575  | 15  |
|                             | KILLED          | 58      | T   | 19                    | T   | 4                    | 0   | 81      | T   |
|                             | TOTAL           | 82,517  | 100 | 25,275                | 100 | 8,269                | 100 | 116,061 | 100 |
| LAP BELT ONLY               | NO HARM         | 2,281   | 86  | 969                   | 86  | 3,080                | 90  | 6,330   | 88  |
|                             | INJURED         | 381     | 14  | 158                   | 14  | 351                  | 10  | 890     | 12  |
|                             | KILLED          | 2       | T   | 0                     | 0   | 0                    | T   | 2       | T   |
|                             | TOTAL           | 2,664   | 100 | 1,127                 | 100 | 3,431                | 100 | 7,222   | 100 |
| NOT WEARING BELT/HARNESS    | NO HARM         | 9,421   | 65  | 4,133                 | 63  | 3,267                | 75  | 16,821  | 66  |
|                             | INJURED         | 4,861   | 34  | 2,345                 | 36  | 1,059                | 24  | 8,265   | 33  |
|                             | KILLED          | 183     | 1   | 41                    | 1   | 17                   | T   | 241     | 1   |
|                             | TOTAL           | 14,465  | 100 | 6,519                 | 100 | 4,343                | 100 | 25,327  | 100 |

NOTE: T is equal to less than one-half percent.

### CHILD RESTRAINT USAGE

#### Passengers through age 13

| RESTRAINT USAGE    | INJURY SEVERITY | FRONT SEAT OCCUPANTS |     | BACK SEAT OCCUPANTS |     | TOTALS |     |
|--------------------|-----------------|----------------------|-----|---------------------|-----|--------|-----|
|                    |                 | NUMBER               | %   | NUMBER              | %   | NUMBER | %   |
| OTHER RESTRAINT    | NO HARM         | 3,432                | 87  | 3,476               | 91  | 6,908  | 89  |
|                    | INJURED         | 499                  | 13  | 331                 | 9   | 830    | 11  |
|                    | KILLED          | 2                    | T   | 0                   | 0   | 2      | T   |
|                    | TOTAL           | 3,933                | 100 | 3,807               | 100 | 7,740  | 100 |
| RESTRAINT NOT USED | NO HARM         | 897                  | 72  | 1,666               | 80  | 2,563  | 77  |
|                    | INJURED         | 347                  | 28  | 395                 | 19  | 742    | 22  |
|                    | KILLED          | 1                    | T   | 9                   | T   | 10     | T   |
|                    | TOTAL           | 1,245                | 100 | 2,070               | 100 | 3,315  | 100 |
| CHILD RESTRAINT    | NO HARM         | 87                   | 94  | 170                 | 92  | 257    | 93  |
|                    | INJURED         | 6                    | 6   | 14                  | 8   | 20     | 7   |
|                    | KILLED          | 0                    | 0   | 0                   | 0   | 0      | 0   |
|                    | TOTAL           | 93                   | 100 | 184                 | 100 | 277    | 100 |

NOTE: T is equal to less than one-half percent.

*House Transportation  
Attachment 1  
2-12-97*

STATE LEGISLATIVE FACT SHEET

STRENGTHENING SEAT BELT USE LAWS

INCREASE BELT USE -- DECREASE FATALITIES AND INJURIES

Traffic crashes are a leading cause of death in the United States. Wearing seat belts is the easiest and most effective way of cutting the highway death toll--and strong occupant protection laws are the most effective way of increasing safety belt use. Highway deaths could be cut dramatically if states upgraded their laws to improve coverage and enforcement. A model state safety belt use law is available from NHTSA (see address below).

**Make All Belt Use Laws Subject to Primary Enforcement**

**Definitions:** *Primary Enforcement:* A citation can be written whenever a law officer observes an unbelted driver or passenger.

*Secondary Enforcement:* A citation can only be written after an officer stops the vehicle for some other infraction.

- As of September 1996, 11 states have primary laws in effect. Thirty eight states have secondary enforcement laws and one state has no safety belt use law.
- In 1995, states with primary safety belt laws had a 14 percentage point higher use rate than those with secondary enforcement.
- Primary enforcement sends a message to motorists that belt use is an important safety issue that the state takes seriously.
- California's experience in changing to primary enforcement on January 1, 1993, provides strong evidence of the benefits of primary enforcement laws. Statewide driver seat belt use increased from 70 percent in 1992 to 83 percent in late 1993 after the state changed to primary enforcement.
- In attitude surveys, officers consistently preferred primary laws and report that a secondary enforcement law is a major deterrent to issuing citations.
- The National Transportation Safety Board issued a Safety Recommendation to all states in support of primary enforcement. The Board also favors adequate fine levels and the imposition of driver license penalty points in state use laws.

**Protect All Vehicle Occupants in All Passenger Vehicles**

- Extend protection to rear seat occupants. Most laws currently apply only to the driver and front seat passengers. All vehicle occupants should buckle up.
- Extend coverage to all types of personal vehicles. Some states exempt occupants of pickup trucks, vans, and other light trucks, yet most of these vehicles are used for personal transportation.

- Prohibit passengers from riding in the cargo bed of pickup trucks. Passengers should ride only in seating areas equipped with safety belts.

#### **Emphasize Enforcement and Levy Significant Fines**

- Experience shows that belt use goes up when safety belt laws are actively enforced. In Elmira, NY, a well-publicized, two wave enforcement effort from 1985-1986 raised belt use from 50 percent to 83 percent.
- In Canada -- where laws are primary, fines are adequate and use is encouraged with periodic waves of strict, well-publicized enforcement -- belt use averages 92 percent. Eight provinces average above 90 percent. The United States, by contrast, averages 68 percent.
- Fines currently range from \$5 in Idaho to \$95 in Oregon. The most common fine (in 29 states) is \$20 or \$25. Two states-Rhode Island and Wyoming-have no fines. An adequate fine is a measure of enforceability. A 1995 NHTSA study of the effect of various provisions of safety belt use laws found that for each \$1 in fine level states tend to realize about 0.8 percent higher belt use. That is, a state with a \$20 fine would tend to have a use rate that is 8.0 percent higher than a state with a \$10 fine.

#### **Conduct Combined Public Awareness and Enforcement Campaigns**

- After statewide enforcement and publicity efforts in October 1993 and July 1994 (with 6,364 checkpoints, 58,883 belt and 3,728 child seat citations), North Carolina's belt use rose from 65 percent to 81 percent. A phone survey revealed that 85 percent were aware of the effort and 87 percent supported it. A multi year statewide program is now underway.
- An effective publicity campaign should stress the safety value of belts and support the active enforcement of belt laws. Publicity and enforcement must go hand-in-hand.
- Revenue from belt law fines can be used to help fund publicity efforts. Revenues can also help support programs for distributing car seats through hospitals and community groups.

#### **Recommendations From the National Transportation Safety Board**

The National Transportation Safety Board issued a Safety Recommendation on June 20, 1995 which recommends "that States and the District of Columbia that have secondary enforcement of mandatory safety belts use laws and the States without mandatory use laws: Enact legislation that provides for primary enforcement of mandatory safety belt use laws. Consider provisions such as adequate fine levels and the imposition of driver license penalty points."



\* Please prepare the following passage as a sidebar

### **Urge Parents to Carry Children in the Rear Seat**

- The rear seat is the safest place for children of all ages.
- Infants (less than one year of age) should never be carried in the front seat of a car or truck with a passenger-side air bag.
- Infants must always ride in the rear seat, facing the rear of the car.
- Children should not ride with the shoulder belt tucked under their arm or behind their back.
- Make sure everyone is correctly buckled up. Unbelted, or improperly belted occupants can be hurt or killed by the deploying air bag.

## Primary Enforcement of Seat Belt Laws Increase Belt Use Decrease Crash Fatalities and Injuries

Safety belt usage is much higher, on average, in States that allow primary enforcement of their belt use laws. Recent experience with upgrades from secondary to primary enforcement in California and Louisiana provides strong evidence of the benefits of switching to primary enforcement.

**Definitions: Primary Enforcement:** A citation can be written whenever a law officer observes an unbelted driver or passenger.

**Secondary Enforcement:** A citation can only be written after an officer stops the vehicle for some other infraction.

### Higher Belt Use Rates

- States with primary laws averaged 14 percentage points higher belt use than those with secondary laws (75 versus 61 percent), as of December 1995.
- California's statewide driver belt use increased from 70 percent in 1992 with a secondary enforcement law to 83 percent in late 1993 after the state changed to primary enforcement.
- Driver belt use increased nearly 18 percentage points in six California cities NHTSA studied—an increase almost identical to that which occurred in those same cities when the secondary enforcement law was first adopted in 1986.
- The Insurance Institute for Highway Safety also reported that Los Angeles driver and front seat passenger use increased from 56 to 76 percent, with similar gains found in Sacramento, San Francisco, and San Diego.

- Driver and front seat passenger belt use in five Louisiana cities increased from 52 percent during the fall of 1994 under secondary enforcement to 68 percent during the spring of 1996 under primary enforcement. (The effect on statewide use will not be available until late 1996.)

### Greater Fatality Reduction

- During the first full year after enforcement of their belt laws began in five primary and eleven secondary law states, fatality rates dropped 20 percent in the primary states versus 8 percent in the secondary states for persons over age 21.
- During the same period, for persons age 21 and younger, there was a 23 percent reduction in fatality rates in the primary states versus a 3 percent reduction for that age group in the secondary states.

Primary enforcement sends motorists a clear message that the state considers belt use mandatory for the safe operation of a motor vehicle. In a public opinion survey in Michigan in 1988, 68 percent reported that their belt use would increase if the police could pull them over just for not using their seat belt—in the same manner as speeding violations.

Surveys of public opinion suggest that while a substantial proportion of the population does not always support primary laws prior to their enactment, a large majority supports them after enactment—even where enforcement agencies intensify enforcement efforts.

### Contents

- *Higher Belt Use Rates*
- *Greater Fatality Reduction*
- *Urge Parents To Carry Children In The Rear Seat*

**California and Louisiana:**

California has had over three years of experience with the upgrade to primary enforcement and Louisiana has had one. In both states there has been no significant adverse public or official reaction to the change, and no increase in enforcement intensity.

**North Carolina:**

After statewide enforcement and publicity efforts in October 1993 and July 1994 (with 6,364 checkpoints, 58,883 belt and 3,728 child seat citations), statewide belt use rose from 65 percent to 81 percent. A phone survey revealed that 85 percent were aware of the effort and 87 percent supported it.

**National:**

In a 1991 national phone survey, 73 percent said they would support primary legislation in their state if they knew it would result in more safety belt use and more lives being saved.

In attitude surveys, officers consistently preferred primary laws and reported that a secondary enforcement law is a major deterrent to issuing citations.

- Traffic and patrol officers in each of the six California cities NHTSA studied favored the change to primary enforcement. Most officers felt that it communicated to motorists both the need for using belts and the possibility that an enforcement action might be taken.
- In a 1986 Michigan State University study, both patrol officers and police administrators indicated that primary enforcement would result in a higher priority being given to belt law enforcement.

Various groups, organizations and policy advisors have studied the issues pertaining to the effectiveness of belt laws and have made the following recommendations concerning primary enforcement.

- A U.S. General Accounting Office report, *Highway Safety: Safety Belt Use Laws Save Lives and Reduce Costs to Society (1992)*, encouraged states to upgrade their laws to achieve the additional savings possible with comprehensive, well enforced laws. Primary enforcement was specifically mentioned as a priority upgrade.
- A National Research Council Committee Report, *Safety Belts, Airbags and Child Restraints (1989)*, recommended further research on the question: "Are some state laws ineffective because of secondary enforcement?"
- A National Committee for Injury Prevention and Control report, *Injury Prevention: Meeting the Challenge (1989)*, recommends: "All states should enact and enforce a primary enforcement safety belt use law. States with secondary enforcement should amend the laws to allow for primary enforcement."
- The National Transportation Safety Board issued a Safety Recommendation on June 20, 1995 which recommends "that States and the District of Columbia that have secondary enforcement of mandatory safety belts use laws and the States without mandatory use laws: Enact legislation that provides for primary enforcement of mandatory safety belt use laws. Consider provisions such as adequate fine levels and the imposition of driver license penalty points."

In their 1996 report, *Motor Vehicle Safety: Comprehensive State programs Offer Best Opportunity for Increasing Use of Safety Belts*, the U.S. General Accounting Office listed primary enforcement, along with broader vehicle coverage and aggressive enforcement, as priority state needs for substantial further increases in safety belt use.

**Urge Parents To Carry Children In The Rear Seat**

- *The rear seat is the safest place for children of all ages.*
- *Infants (less than one year of age) should never be carried in the front seat of a car or truck with a passenger-side air bag.*
- *Infants must always ride in the rear seat, facing the rear of the car.*
- *Children should not ride with the shoulder belt tucked under their arm or behind their back.*
- *Make sure everyone is correctly buckled up. Unbelted, or improperly belted occupants can be hurt or killed by the deploying air bag.*

These reports and additional information are available through your State Office of Highway Safety, the NHTSA Regional Office serving your state, or from NHTSA Headquarters, Traffic Safety Programs, NTS-10, 400 Seventh Street, S.W., Washington, D.C. 20590.

# House Bill No. 2165

Amendment to K.S.A. 8-2503(Kansas Seat Belt Law)  
Amendment to K.S.A. 8-1344(Kansas Child Restraint Law)

TESTIMONY OF PATROLMAN GORDON A. SMITH  
Hutchinson Police Department (Traffic Unit)  
Hutchinson, Kansas

Chairman Gary Hayzett and Members of the House Transportation Committee:

Greetings,

I find it an honor and great privilege to appear today before you on behalf of House Bill 2165.

I have been in the profession of Law Enforcement for approximately fifteen years. I find it a privilege to be able to serve the public in this capacity. I especially find it a privilege to be serving the great city of Hutchinson, Kansas. I have been a Traffic Officer for approximately three and a half years or ever since the traffic units inception. It was during this time that while enforcing the traffic laws of seat belt safety and working the many traffic accidents involving injury, I learned that many citizens did not understand the laws as they pertained to them. Also, there are many people that do not know the proper way to install Child Car Carriers in their vehicles. It was also at these times that I learned of the many parents who have small children and have little or no means of financial support to afford to purchase a carrier for their child or children. I was also finding that because of this, many people were purchasing used seats from garage sales and at hand me down stores where they did not know the history of the seat: how old it was, if the seat had ever been involved in a car accident or if there was any other damage to the seat that could not be seen by the naked eye.

I applied to attend a class offered by the Kansas Seat Belt Education Department to learn the proper ways to install the Child Car Carriers, and I was amazed at what I didn't know

myself, such as the different types of seats, restraint systems, and the many types of vehicles that were not compatible with Child Car Carriers.

In my enthusiasm of wanting to educate the public of my new found knowledge and to find a way to provide carriers to our citizens, I discovered that our city did have a Child Carrier loaner program, but no longer existed because of the age of the seats and the financial burden it placed on the agencies that were involved. I then set out to see if I could find a way to set up a new program to educate the citizens and to provide Child Car Carriers to the needy families of our county.

Myself and other agency department heads got together and formed the "Reno County Child Safety Seat Partnership". Together we have set up a program to educate citizens of the importance of using seat belts properly, the types of restraint systems available, and the proper installation of Child Car Carriers. The program would also provide a Child Car Carrier to families that attended the class and could not afford to purchase one. The program was also established to safely take a child from the infant stage through the age of four years old with a carrier provided for them by our organization. Our organization purchases all three types of Child Car Carriers: the infant, convertible, and booster seats. Those families that attended the class that had an income but were not able to afford to purchase a seat at this time were given the option to purchase a seat from us at half the price that we were able to buy them. Our organization set up a partnership with our local Target Department Store to purchase these seats at a little over cost, so a family could expect to pay as little as \$12.00 to \$25.00 for a carrier. Locally, our American Legion and other businesses provided the cost of these carriers. Our program also provided education to our elementary schools at the third grade levels by using Vince and Larry the crash dummies in a short presentation and at the culmination. Each child was given a gift, such as a pencil, pen, magnet, coloring book, badge, or other items of this type, with the message of seat belt safety on it.

Our program, we feel, has been very successful. As of 1996, we have given ten classes to parents in Seat Belt Car Carrier safety, and we have given out over seventy-five seats to these families. Also, over twelve classes were given to the targeted third grade classes. We could have done more, but our funding was very limited. Because of the education that has been made available to our citizens, we have seen more people placing their children in the Car Carriers properly, and more are wearing their seat belts properly. We still have those who do just enough to keep from getting stopped for a Seat Belt violation, which brings up my next point.

Every state in the nation has a Seat Belt law in the books. To date, only ten states have what is classified as a primary law for seat belts, and all others are classified as secondary laws. The classification of "Primary Law" is a Law Enforcement Officer can make a vehicle stop on only the observation of a Seat Belt violation. Whereas, in a "Secondary Law" an Law Enforcement Officer can only make a vehicle stop upon the observation of another traffic infraction before citing a person for a Seat Belt violation. This now creates an unnecessary problem. Because drivers knows this is the law, they insure that they are in compliance with the Child Carrier law and fail to fasten their own Seat Belt, knowing that they can not be stopped for their own Seat Belt. When an Officer turns around to look for another violation in order to stop the vehicle for the Seat Belt violation that driver puts on the Seat Belt. You may think, at least they now have on their Seat Belt. End of problem, right? Wrong. What if there had not been an officer in the area at the time, and this car would have been involved in a car accident? The potential for serious injury is much higher. If it hadn't been for the presence of the Officer in the first scenario, this driver would not have the incentive to wear his or her Seat Belt. Therefore they would not have.

With the Kansas Seat Belt Law ( K.S.A. 8-2503 ) being amended to a primary law this kind of scenario will be avoided. This will allow the Law Enforcement Officer to stop vehicles for non compliance of the seat belt law. Also with the increase of the fine from

\$10.00 to \$20.00 plus court cost would give extra incentive to the driver to wear their seat belts.

I realize that this is already not a popular law in the State of Kansas, or any other state for that matter, but consider the consequences of what we are now facing on our streets when there is a vehicle accident. Without the type of enforcement we are asking for in this bill, we will have drivers that will continue not to wear their seat belts because the law does not allow any enforcement. And as unpopular as this law is now and the more unpopular this amended law will be, it will be seen by few as an interference of their individual rights. Sometimes it is necessary to interfere with the rights of the few to insure the rights of the innocent, such as those that are harmed because either the driver didn't have on a Seat Belt or the injuries that a front seat passenger might get for not wearing their Seat Belt. The monetary liabilities are staggering enough by themselves, not to mention the heartache and physical pain brought onto the injured and to the family members, which brings me to my next point.

As the law is written now, It does not allow the non-usage of seat belts to be used as evidence in liable litigation. The way we want this law to be amended would allow the non-usage of seat belts to be used as evidence in such cases. Again, this would not be a popular law as seen by the few, such as attorneys or trial lawyers, but think of the staggering cost that are absorbed by you and me, the innocent, by paying more and more for our auto insurance as these accidents are litigated in our courts for injuries and or damages. There are several examples that I could give you in regard to this part of the law, but I will only mention two.

On December 15, 1989, in Wichita, Kansas, Ms. Roma Jantz was driving with her sister, Ms. Della Jantz, doing some Christmas Shopping, when they came upon an marked intersection where the stop sign was partially obstructed from view. Ms. Jantz not seeing the stop sign continued through the intersection. At the same time a van occupied by a family (names not mentioned due to privacy) was also driving through the intersection.

The van was struck broadside by the Jantz vehicle, pushing the van into a curb, and causing the van to turn over. This in itself was tragic enough, but the injuries that did happen could have been prevented if a Seat Belt had been worn. The front seat passenger of the van, as it was turning over, was thrown out of his door to the ground, where the van fell on top of him causing injuries severe enough to cause him to die. Can you imagine the grief caused to the Jantzs? It was bad enough to be responsible for the accident, but their grief was compounded by the idea of the lose of a life that was a product of this unfortunate incident. Now, should the Jantz's insurance be liable for this death that was preventable by the use of a Seat Belt? Insurance paid approximately \$117,000

On October 10, 1996, at approximately 0800 hour, a Hutchinson Police Officer was responding to a reported injury accident. The Officer was responding with red lights and siren, while enroute. A vehicle driven by an elderly female attempted to turn left in front of the Officer, and instead of continuing her turn she stopped right in front of the Officers car. The officers car collided almost head on with the other vehicle. This also was tragic enough, but the injuries could have altogether been avoided had a Seat Belt been worn. Both vehicles were late model Ford Crown Victorias equipped with front seat air bags, but the female driver was not wearing her Seat Belt. Because of this, she received several broken ribs and was hospitalized for several days. The Officer was wearing his Seat Belt, and also with the airbag, the Officer did not sustain any injuries, and was able to continue to work the next day. Because of the non-usage of the Seat Belt, the insurance had to pay out more than should have been necessary for the injuries that could have been prevented by using the Seat Belt. Should the insurance company be held accountable for these injuries that could have been prevented by the wearing of the Seat Belt? No. The policy of the Hutchinson Police Department, as probably with many or all Police Departments, is that the Officers must wear their seat belts, as well as all other occupants



in their vehicle. In the event of an accident, if they did not wear the Seat Belt, then the insurance can refuse to pay for the injuries.

It is bad enough to find someone responsible for the cause of an accident, and for their insurance to have to pay for the unnecessary injuries and/or damages. This is rightly so, but it is not fair to have these people pay for someone else's negligence in not wearing a Seat Belt that would have prevented or limited those injuries. If the non-usage of seat belts could be used in litigation, then common sense would dictate that the responsibility of the injury caused by not using a Seat Belt would fall back on the one really responsible for those injuries. This concept would not go well with some, because there are large sums of money to be made off of the unfortunate one who has sustained those injuries. In reality, those injuries would have been prevented or have been less serious had they been wearing a Seat Belt. I'm not saying that those responsible for the cause of the accident should not pay for the injuries caused by that accident, but they should only be responsible for the injuries caused from the accident that could not be prevented.

Allowing the non-use of seat belts to be heard as evidence by judges and/or juries, would allow the burdens to be bared by each of the responsible parties, and a fair assessment of monetary compensation to both parties. This itself could help encourage Seat Belt compliance by drivers and front seat passengers along with amending our present law to a primary law.

The final point that I would like to make to this proposal for an amended law, is to increase the amount of the fine for K.S.A. 8-2503, by increasing the fine to be the same as the fine in K.S.A. 8-1344, making both a \$20.00 fine with court cost. With this, \$10.00 of every fine assessed would be put into a separate fund, The Highway Safety Education Program, established for the use of all Law Enforcement agencies in the State of Kansas to establish programs in their own communities, such as the one that is already in existence in the City of Hutchinson. With this fund, these programs would be able to continue educating the citizens in the State of Kansas for years to come. This would help

set up classes to be conducted for parents, and any others that may be interested in attending. We can also set up classes in our elementary schools to educate our children on the importance of properly wearing their seat belts. This way, an important message would get out to the parents of these children. After all, if we teach the children, they have a way of teaching their parents. And lastly through this fund, it would be a way of providing a proper and safe Child Carrier for those families that can not afford to buy one. This demonstrates to them that not only do they live a safe state, but a state that also shows we care enough for their welfare, to provide the help and encourage they need in order to comply with our Seat Belt and child restraint laws.

As we move toward the 21st century, let us, here in the Great State of Kansas, be the ones to lead the way for the rest of the country to follow. We will show that not only will we pass the laws necessary for the safety of our citizens, but also provide them with the tools that they need in order to comply and the education that they need so they may have the desire to comply.

Thank you for the opportunity to be before this committee to testify on behalf on this bill and I know that you will give it your full attention.

Sincerely,  
Patrolman Gordon A. Smith  
Hutchinson Police Department  
Traffic Unit

File:SW95.WK4

02/11/97

## MOTOR VEHICLE ACCIDENTS IN KANSAS: PERSONAL INVOLVEMENT 1995

### SEAT POSITION VERSUS INJURY SEVERITY

| Seat Position                           | Fatal      | Incapacitating | Non-Incap.   | Possible     | No Injury     | Total         |
|---|------------|----------------|--------------|--------------|---------------|---------------|
| Driver                                  | 1          | 1              | 7958         | 9839         | 96377         | 116259        |
| Center front                            | 1          | 1              | 206          | 214          | 2621          | 3088          |
| Right front                             | 1          | 554            | 2567         | 3191         | 28226         | 34601         |
| Left rear or MC Pass.                   | 6          | 91             | 426          | 523          | 6155          | 7201          |
| Center rear                             | 7          | 39             | 164          | 178          | 2706          | 3094          |
| Right rear                              | 13         | 91             | 440          | 528          | 6846          | 7918          |
| Other seat position or 2nd MC Passenger | 1          | 29             | 126          | 157          | 3741          | 4054          |
| Any position ON or OUTSIDE of vehicle   | 4          | 28             | 44           | 22           | 176           | 274           |
| Unknown location IN or ON vehicle       | 2          | 6              | 29           | 60           | 1933          | 2030          |
| Extra person in driver's seat           | 1          | 1              | 0            | 0            | 11            | 13            |
| Extra person in other seat              | 0          | 1              | 9            | 17           | 174           | 201           |
| Pedestrian                              | 39         | 112            | 380          | 204          | 31            | 766           |
| Pedalcyclist                            | 6          | 58             | 260          | 140          | 40            | 504           |
| Rider of animal                         | 0          | 0              | 0            | 0            | 0             | 0             |
| In animal-drawn vehicle                 | 0          | 0              | 0            | 1            | 4             | 5             |
| In vehicle NOT IN TRANSPORT             | 1          | 2              | 10           | 10           | 0             | 23            |
| Machine operator or passenger           | 0          | 0              | 0            | 0            | 0             | 0             |
| Train crew and passengers               | 0          | 0              | 0            | 1            | 209           | 210           |
| Unknown                                 | 0          | 0              | 0            | 1            | 1             | 2             |
| <b>Total</b>                            | <b>442</b> | <b>2845</b>    | <b>12619</b> | <b>15086</b> | <b>149251</b> | <b>180243</b> |

### SAFETY EQUIPMENT USAGE VERSUS INJURY SEVERITY

| Safety Equipment Usage*                  | Fatal      | Incapacitating | Non-incap.   | Possible     | No Injury     | Total         |
|--|------------|----------------|--------------|--------------|---------------|---------------|
| Both Helmet and Eye Protection           | 1          | 15             | 46           | 14           | 12            | 88            |
| Child Restraint, used properly           | 0          | 11             | 109          | 158          | 3592          | 3870          |
| Motorcycle Eye Protection                | 2          | 39             | 100          | 26           | 22            | 189           |
| Helmet Only                              | 0          | 18             | 44           | 15           | 10            | 87            |
| Lap Belt                                 | 0          | 71             | 340          | 489          | 6440          | 7342          |
| None                                     | 249        | 1255           | 1155         | 2995         | 17644         | 26358         |
| Passive system (airbag)                  | 0          | 0              | 0            | 0            | 28            | 28            |
| Shoulder and Lap                         | 81         | 936            | 5777         | 9910         | 99791         | 116495        |
| Unknown                                  | 60         | 349            | 1194         | 1219         | 21325         | 24147         |
| Shoulder only                            | 1          | 5              | 14           | 16           | 94            | 130           |
| Child/Youth restraint, not used properly | 2          | 1              | 20           | 14           | 217           | 254           |
| <b>Total</b>                             | <b>400</b> | <b>2705</b>    | <b>12123</b> | <b>14800</b> | <b>149175</b> | <b>179206</b> |

\*Excludes pedestrians

## SEAT BELT INFORMATION CALENDAR YEAR 1995

### OCCUPANT KILLED

| <u>RESTRAINED</u> | <u>UNRESTRAINED</u> | <u>UNKNOWN</u> | <u>TOTAL</u> |
|-------------------|---------------------|----------------|--------------|
| 1000              | 1445                | 68             | 2513         |

59.1% OF ALL OCCUPANTS KILLED IN PASSENGER CARS, TRUCKS AND BUSES WERE NOT RESTRAINED  
40.9% OF OCCUPANTS KILLED WERE RESTRAINED

### OCCUPANT INJURED

#### A-TYPE

| <u>RESTRAINED</u> | <u>UNRESTRAINED</u> | <u>UNKNOWN</u> | <u>TOTAL</u> |
|-------------------|---------------------|----------------|--------------|
| 13,474            | 7,211               | 718            | 21,403       |

34.9% OF OCCUPANTS WITH A-TYPE INJURIES WERE NOT RESTRAINED  
65.1% OF OCCUPANTS WITH A-TYPE INJURIES WERE RESTRAINED

#### B-TYPE

| <u>RESTRAINED</u> | <u>UNRESTRAINED</u> | <u>UNKNOWN</u> | <u>TOTAL</u> |
|-------------------|---------------------|----------------|--------------|
| 55,467            | 16,341              | 1,131          | 72,939       |

22.8% OF OCCUPANTS WITH B-TYPE INJURIES WERE NOT RESTRAINED  
77.2% OF OCCUPANTS WITH B-TYPE INJURIES WERE RESTRAINED

#### C-TYPE

| <u>RESTRAINED</u> | <u>UNRESTRAINED</u> | <u>UNKNOWN</u> | <u>TOTAL</u> |
|-------------------|---------------------|----------------|--------------|
| 197,801           | 24,975              | 3,539          | 226,315      |

11.2% OF OCCUPANTS WITH C-TYPE INJURIES WERE NOT RESTRAINED  
88.8% OF OCCUPANTS WITH C-TYPE INJURED WERE RESTRAINED

### OCCUPANTS NOT INJURED

| <u>RESTRAINED</u> | <u>UNRESTRAINED</u> | <u>UNKNOWN</u> | <u>TOTAL</u> |
|-------------------|---------------------|----------------|--------------|
| 560,035           | 69,667              | 45,376         | 675,078      |

11.1% OF OCCUPANTS NOT INJURED WERE NOT RESTRAINED  
88.9% OF OCCUPANTS NOT INJURED WERE RESTRAINED

**DEFINITIONS OF INJURY TYPE**

**A-TYPE - INCAPACITATING INJURY - SEVERE INJURY WHICH PREVENTS CONTINUATION OF NORMAL ACTIVITIES. INCLUDES BROKEN OR DISTORTED LIMBS, INTERNAL INJURIES, CRUSHED CHESTS, ETC.**

**B-TYPE - NON-INCAPACITATING INJURY - EVIDENT INJURY SUCH AS BRUISES, ABRASIONS, MINOR LACERATIONS WHICH DO NOT INCAPACITATE**

**C-TYPE - POSSIBLE INJURY - INJURY WHICH IS CLAIMED, REPORTED OR INDICATED BY BEHAVIOR BUT WITHOUT VISIBLE WOUND. INCLUDES LIMPING, MOMENTARY UNCONSCIOUSNESS OR COMPLAINT OF PAIN.**

**Texas Department of Public Safety  
Citations Issued for Safety Belt Related Violations**

|   | Calendar Year 1995 | Year-To-Date 1996 |
|---|--------------------|-------------------|
| No Front Seat Belts When Required                     | 71                 | 74                |
| Defective Front Seat Belts - When Required            | 127                | 53                |
| Ride Not Secured by Safety Belt - Driver              | 88,471             | 80,115            |
| Ride Not Secured by Safety Belt - Passenger           | 191                | 5,326             |
| Unrestrained Child Under Two Years of Age             | 6,913              | 3,371             |
| Unrestrained Child Age 2-4                            | 3,762              | 3,581             |
| Allow Child Age 4-14 to Ride Unsecured by Safety Belt | 3,678              | 2,751             |
| <b>Total</b>  | <b>103,213</b>     | <b>95,271</b>     |

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|                           |                                 |
|---------------------------|---------------------------------|
| To<br><b>Gordon Smith</b> | From<br><b>Lesia McClelland</b> |
| Co.                       | Co.<br><b>Texas D.P.S.</b>      |
| Dept.                     | Phone #<br><b>512-424-5703</b>  |
| Fax #                     | Fax #<br><b>512-424-5770</b>    |

Prepared by TLE-IS on 2/11/97



# BACKGROUND

Background information on insurance topics. Published by the Public Affairs Department of State Farm Insurance Companies, One State Farm Plaza, Bloomington, Illinois 61710. Phone (309) 766-5514.

## Air Bags: They Save Lives, But Improvement is Needed

*"The crash was severe enough (that) the driver of the other car was killed. The only reason I'm not dead (or don't) have noticeable head or chest injuries is that I had (an) air bag."*

— Crash survivor in a State Farm 1990 video "Air Bags."

*"A piece of an air bag system that inflated during a car crash sliced into the throat of a 7-year-old boy, killing him, a medical examiner ruled."*

— Associated Press report from New York, May 15, 1996.

Even as they become standard equipment in an ever-increasing number of passenger vehicles in North America, people have mixed feelings about air bags.

For a device that has enormous potential for preventing death and serious injury from car crashes, the air bag has been controversial almost since its inception. First the auto manufacturers — after one of them half-heartedly offered it as optional equipment in a few models — resisted putting it in cars. Then the U.S. government resisted ordering the automakers to put air bags or automatic safety belts in cars. Then, when air bags began appearing in some cars, there were concerns (which turned out to be almost entirely unjustified) about chemical and other safety hazards associated with their deployment.

Sometimes when an air bag inflates, the device itself causes minor injuries, people discovered. But occasionally these injuries were serious and, it was alleged, in rare cases the air bag may have been responsible for the driver's death. And when passenger-side air bags became more widespread, reports began coming in that their deployment was killing children — especially kids not properly restrained by safety belts and infants in rear-facing child safety seats.

Since 1989, air bags have saved at least 1,500 lives and prevented additional thousands of serious injuries, the Insurance Institute for Highway Safety (IIHS) estimates. Along with seat belts, they have made driving and riding in vehicles much less dangerous than it once was. But it's now evident that in some situations air bags can be harmful, and steps must be taken to greatly reduce their potential for inflicting injury rather than preventing it.

### Offered as '70s Options

The concept of air bags — air-filled cushions that automatically protect the heads and chests of people in frontal crashes — was outlined as early as 1941, according to the IIHS. Patents for air bags began to be issued in the 1950s. But it wasn't until the late 1960s — after safety belts became standard equipment in new passenger cars — that federal safety officials and automakers began serious discussions about putting the devices in automobiles.

At first, the automakers seemed interested in the idea. In fact, General Motors Corp. even offered air bags as an option on a few 1974-1976 models. But *The Wall Street Journal* in 1976 reported that GM and its dealers "actively discouraged sales" of the devices. The automakers argued that safety doesn't sell cars; in fact, it boosts the price of cars and makes them harder to sell. Through the '70s and early 1980s, they steadfastly resisted efforts to require passive restraints — air bags or automatic safety belts — in their vehicles.

In 1981, the U.S. Department of Transportation (DOT) rescinded a decision to require the automakers to provide passive restraints. State Farm, joined by the National Association of Independent Insurers, went to court, challenging that decision as having been made without regard to the facts and the law. The U.S. Supreme Court ultimately agreed, telling DOT to reconsider. DOT in 1984 ordered that passive restraints be required, starting with 1987 model cars and including all new cars by the 1990 model year — unless states with two-thirds of the U.S. population passed mandatory safety-belt use laws by early 1989. (That didn't happen, though it did spark interest in belt-use laws; 49 states — all but New Hampshire — now have them.)

At first, automakers met the requirement primarily by providing automatic safety belts, but the public preference for air bags gradually became apparent. Ford Motor Co. in 1986 became the first domestic automaker to offer driver-side air bags as an option in some models under the new rule. GM followed suit by making them standard equipment in some 1990 models; Chrysler Corp. made them an option in popular 1991 minivans. Congress in 1991 required that driver-side and passenger-side air bags be in all new passenger cars by the 1998 model year and in vans, pickup trucks and utility vehicles by 1999 — but they're already standard equipment in most vehicles.

- If older children must ride in the front seat, make sure they always wear both shoulder and lap safety belts. If the shoulder belt doesn't fit correctly, the child should sit in the back or on a booster seat. Don't allow kids to slip shoulder belts behind their backs.
- If a child must be seated up front or if a forward-facing safety seat must be used in the front seat, move the vehicle seat as far back as possible.

## Prevention Measures Encouraged

As part of its participation in the coalition, State Farm is contacting its 36 million-plus auto insurance policyholders to advise them of the problem and to encourage proper use of safety belts. It's also making available through its claim offices and agents an IIHS-produced brochure on preventing air bag-related injuries to children.

Beyond this, safety experts are looking at possible ways to make passenger-side air bags less potentially deadly to children who sit in the vehicle's front seat.

Reduced-energy inflators offer the quickest path to improvement, the IIHS says. The energy of inflating bags causes the injuries, and this energy could be reduced without significantly compromising the protection air bags afford, the institute says. But design constraints imposed by a federal safety standard discourage automakers from developing these inflators. This standard should be amended to make this change possible, the IIHS says.

Another idea is an on-off switch that would permit the driver to deactivate the passenger-side air bag when an infant or small child is in the front seat. These switches now are authorized only in vehicles without rear seats that can accommodate child safety seats (such as pickup trucks and sports cars), and only for a limited number of model years. But some safety advocates worry that the switches might be left off when adult passengers are up front, and that the on-off switch sends the wrong message — that it's OK for kids to ride in the front seat.

Perhaps a more promising approach is the development of "smart" air bag systems that are less likely to injure people during inflation. A State Farm study indicated that many air bag deployments in low-speed crashes (and thus, injuries) could be avoided if systems that can tell whether drivers and passengers are wearing seat belts become widespread. Cars made by Mercedes and BMW have such systems; if belts are worn, the car speed at which air bags will deploy is a little higher. Some systems expected to be available before too long will determine whether an infant restraint or small child is in front of a passenger air bag and deactivate it automatically, the IIHS reports. Future systems are expected to determine the heights, weights and positions of drivers and passengers before deployment and make air bag energy levels appropriate.

Air bag technology is advancing on another front with the development of side-impact bags, already offered by a few automakers and expected to become more widespread by the turn of the century. Side air bags protect drivers and front-seat passengers from serious injury in side collisions, when a door may be driven into the passenger compartment. And some manufacturers are working on air bags designed especially to protect people's heads.

## Safety Belts Also Important

Sometimes overlooked with all the attention currently being paid to air bags is the continuing importance of another auto safety device — the safety belt — in reducing injuries and saving lives.

Unlike air bags, which come into play only in frontal crashes, safety belts protect drivers and passengers in all kinds of accidents. The U.S. Department of Transportation estimates safety belts save about 9,000 lives each year. Numerous studies have shown that safety-belt use reduces deaths, severity of injuries and medical costs related to crashes. For example, NHTSA reported in 1996 that a study of nearly 900,000 crashes in seven states showed hospital costs of auto accident victims who don't wear seat belts average nearly \$5,000 more than costs of those who do.

But the potential of safety belts has yet to be realized. NHTSA estimates that about 67 percent of drivers and front-seat passengers now buckle up. IIHS contends that estimate may be "optimistic," with the true rate being closer to 60 percent. Either figure represents a sizable improvement over the estimated 15 percent use rate in the early 1980s, before states began passing safety-belt use laws. Yet both are far behind the use rate in some other nations — notably Canada, where at least 92 percent of drivers buckle up, IIHS says.

One reason the U.S. safety-belt use rate isn't higher is that while all states but one have laws requiring motorists to buckle up, only 10 states (plus Puerto Rico) allow police to stop a driver solely for failure to wear a safety belt. In the others, police can ticket someone for not wearing a safety belt only if another traffic violation has been observed.

The odds of getting a ticket affect how likely some motorists are to buckle up. In states with primary enforcement of the safety-belt law (police stop a driver solely for not wearing a belt), the belt-use rate is 78 percent, according to NHTSA; in states with secondary enforcement (there must be another violation in addition to not wearing a belt), the rate is just 61 percent. States have recorded sizable jumps in belt-use rates when their laws change from secondary to primary. In California, for example, the rate rose from 70 percent to 83 percent in one year.

The coalition working to reduce air bag-related injuries plans to seek legislation upgrading secondary-enforcement laws to primary-enforcement ones. It also will promote special efforts to improve enforcement of safety-belt use laws.





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Coalition

Bob Frederick  
Athletics Director  
University of Kansas  
Chair Kansas Safe Kids  
Cycle Smart Program

February 12, 1997

**Testimony Presented to the House Transportation Committee**

**House Bill 2165**

I am pleased to provide testimony today on behalf of the Kansas SAFE KIDS Coalition - composed of 66 statewide businesses and organizations. The Kansas SAFE KIDS Coalition supports House Bill 2165, which proposes to strengthen the current child passenger restraint and safety belt laws in our state. Unfortunately, every year, 2,500 Kansas children age 0-14 are killed or injured in motor vehicle crashes. Approximately 80% of the children killed or seriously injured are not in a child safety seat or wearing a safety belt. Kansas safety restraint usage rates in 1996 ranged from 68% usage by children under the age of four to 50% usage by children age four through 13. Usage among children and adults age 14 and older was 54%. If adults, particularly the driver, are unbuckled, experience has shown that children learn by example. As a result, child passengers are often unbuckled as well.

There is no doubt that seat belts and child safety seats save lives. Research on the effectiveness of child safety seats has found that they reduce the risk of fatal injury by 69% for infants and by 47% for toddlers. Research has shown that lap/shoulder safety belts, when used, reduce the risk of fatal injury to front seat occupants of passenger cars by 45% and the risk of moderate to critical injury by 50%. Seat Belts and child safety seats also save money. For children ages 0-4, every \$45 child safety seat saves this country \$85 in medical expenses. Hospital costs average \$5000 more per crash for those individuals not wearing their seat belts as opposed to those that do.

The issue of child restraint usage (both child safety seats and seat belts) has come to the forefront with the recent concern about air bag deployment and injuries in children, especially children who are not properly restrained. Air bag fatalities have predominately occurred when the children and small adults were situated in a position that was precariously close to the compartment where the air bag was housed. Most of the children killed were not secured by safety belts and were thrown forward in the crash. The best defense during an Airbag deployment is to be wearing a safety belt.



House Transportation  
Attachment 3  
2-12-97

**Kansas SAFE KIDS Coalition  
Testimony HB 2165 - Page two**

It is important that all of our young people be protected in a crash. In 1995 in Kansas 15 drivers between the ages of 15 and 20 were ejected from their vehicles. During the same year, seven passengers between the ages of 15 and 20 were killed after being ejected. Obviously, the important message about seat belts did not reach these individuals in time.

Primary seat belt use laws have been shown to be effective. Studies show that states with primary enforcement laws experience greater reductions in fatality rates than states with secondary laws. The median seat belt use rate among states with primary use laws is 11% higher than the median of the secondary law states. In California for example, statewide driver belt use increased 18% following the upgrade from secondary to primary. These increases in belt use were accompanied by increased public awareness of the new law. Primary enforcement sends motorists a clear message that the state considers belt use mandatory for the safe operation of a motor vehicle.

Surveys of public opinion suggest that while a substantial proportion of the population does not always support primary laws prior to their enactment, a large majority supports them after enactment - even where enforcement agencies intensify enforcement efforts. In a 1991 national phone survey, 73% said they would support primary legislation in their state if they knew it would result in more safety belt use and more lives begin saved.

The Kansas SAFE KIDS Coalition supports funding for the highway safety education fund as established by this bill, however the Coalition would like to see these funds used for a wide variety of safety belt and child safety seat education programs in addition to those made available solely by law enforcement, such as child safety seat check-ups. In fact, some of the funds could also be used to provide child safety seats to low income families that cannot afford them through existing loaner programs or child seat distribution programs.

In summary, the Coalition supports HB 2165 and feels that strengthening safety belt laws and enforcement will lead to increase safety belt use by adults and children. The end result will be less traffic related injuries and fatalities in Kansas, including those caused by air bags.

Testimony Presented by:

Jim Keating  
Chair, Public Policy Committee  
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Bob Frederick  
Athletics Director  
University of Kansas  
Chair Kansas Safe Kids  
Cycle Smart Program

**Kansas SAFE KIDS Coalition Member Organizations**

AAA Kansas  
American Academy of Pediatrics, Kansas Chapter  
American Red Cross - Wyandotte County  
American Red Cross - Wichita  
Attorney General of Kansas  
Barber County Chapter, Kansas SAFE KIDS Coalition  
Board of Emergency Medical Services  
Children's Mercy Hospital  
Clay County Chapter, Kansas SAFE KIDS Coalition  
Dillon Stores  
Fire Education Association of Kansas  
Fire Marshal's Association of Kansas  
Ford County Chapter, Kansas SAFE KIDS Coalition  
Greater Kansas City Area SAFE KIDS Coalition  
Head Injury Association of Kansas and Greater Kansas City  
Kansas Academy of Family Practice Physicians  
Kansas Association of Counties  
Kansas Association of Local Health Departments  
Kansas Association of Highway Safety  
Kansas Association of Local Health Departments  
Kansas Healthy Start Home Visitors  
Kansas Highway Patrol  
Kansas Department of Human Resources  
Kansas District of Kiwanis International  
Kansas Emergency Medical Tech. Association  
Kansas Emergency Nurses Association  
Kansas Insurance Department  
Kansas Medical Society  
Kansas State Board of Education  
Kansas Public Health Association  
Kansas Department of Transportation  
Kansas Professional Fire Chiefs Association  
Kansas Chapter, International Association Of Arson Investigators  
Kansas MADD  
Kansas Association of Osteopathic Medicine  
Kansas Children's Service League  
Kansas Hospital Association  
Kansas State Fire Marshal  
Kansas Cooperative Extension 4-H  
Kansas Chiropractic Association  
Kansas Recreation & Park Association  
Kansas School Nurses Organization  
Kansas Association of School Boards  
Kansas Farm Bureau  
Kansas Congress of Parents and Teachers  
Kansas State Nurses Association  
Kansas Dental Association  
Kansas Rehabilitation Hospital  
Kansas State Association of Fire Chiefs  
Kansas Safety Belt Education Office  
Kansas SADD  
Kaw Valley Girl Scout Council  
KNEA  
Lawrence Chapter, Kansas SAFE KIDS Coalition  
Manhattan Chapter, Kansas SAFE KIDS Coalition  
NHTSA Regional Office  
Office of the Governor  
Salina Chapter, Kansas SAFE KIDS Coalition  
Safety and Health Council of Western Missouri & Kansas  
Wichita Area SAFE KIDS Coalition  
Stormont-Vail Regional Medical Center  
Topeka Chapter, Kansas SAFE KIDS Coalition  
United School Administrators of Kansas  
University of Kansas Medical Center, Child Development Unit  
University of Kansas Medical Center, Burn Center  
Via Christi - St. Francis Burn Center  
Western Resources

rev. 02/11/97





900 SW Jackson, Suite 901N  
Topeka, KS 66612-1290  
(913) 296-1223  
(913) 296-8059 (FAX)

**Coordinator:**

Jan Stegelman  
Kansas Department of  
Health and Environment

**Executive Committee:**

Dennis Cooley, MD  
Medical Advisor  
American Academy of  
Pediatrics, Kansas  
Chapter

Michele Hinds  
Kansas State  
Nurses Association

Steve Jensen  
Kansas Highway Patrol

Judy Moler  
Communities in Schools -  
Kansas

Wendy Mosiman  
Kansas Emergency  
Nurse Association

Gene Neely  
Kansas National  
Education Association

Kathryn Nelick  
Lawrence Chapter,  
Kansas SAFE KIDS  
Coalition

Bob Frederick  
Athletics Director  
University of Kansas  
Chair Kansas Safe Kids  
Cycle Smart Program

## Kansas SAFE KIDS Coalition

The Kansas SAFE KIDS Coalition, Inc., is a group of sixty statewide organizations and businesses that have joined together to protect Kansas children from unintentional injury. The Kansas SAFE KIDS Coalition is part of the National SAFE KIDS Campaign.

Injuries are the leading killer of Kansas kids. More children die annually from preventable, unintentional injuries than from all childhood diseases combined. This year, one child in four will suffer a preventable injury serious enough to require medical attention. The great tragedy is that most of these injuries can be prevented.

The primary activities and programs of the Kansas SAFE KIDS Coalition include:

**PLEASE BE SEATED:**

The PLEASE BE SEATED program addresses the leading cause of unintentional injury in Kansas children - **motor vehicle crashes**. The program is designed to keep our kids safe by involving all Kansas citizens in the education of the importance of child safety seats and safety belt use.

**BUCKLE UP:**

The BUCKLE UP program is designed to increase the number of children protected by a child safety seat or seat belt. Child safety seats are distributed to low income families with young children through this program.

**CYCLE SMART:**

The CYCLE SMART program is designed to increase the number of children protected by bicycle helmets by making reduced-price helmets available to Kansas children. Since the program's inception in 1994, approximately 25,000 helmets have been distributed to Kansas children.

**GET ALARMED®:**

The GET ALARMED® program is designed to increase the number of homes with young children that are equipped with working smoke detectors. Participating communities distribute and install smoke detectors or replacement batteries in low income homes.

**SAFE KIDS CHECK ✓ AMERICA**

The SAFE KIDS Check ✓ America program is a cooperative effort with local schools. The program includes a ten-item checklist completed by students and family which evaluates the safety of the child's home and community. A variety of educational materials and annual prizes are offered to participating schools.

**Public Policy:**

The Kansas SAFE KIDS Coalition adopts on an annual basis a public policy platform and public policy priorities. The Coalition is currently working on statewide smoke detector legislation.

**Local SAFE KIDS Coalitions:**

Kansas currently has three local SAFE KIDS Coalitions: Wichita Area SAFE KIDS Coalition, Lawrence SAFE KIDS Coalition, and the Greater Kansas City SAFE KIDS Coalition. In addition, the Kansas SAFE KIDS Coalition has five local chapters in Salina, Barber County, Topeka, Ford County, and Manhattan. Coalition activities are undertaken through the local Coalitions and chapters, as well as by Coalition member organizations.



## MEMORANDUM

TO: The Honorable Gary Hayzlett, Chairman  
House Transportation Committee

FROM: Teresa L. Sittenauer  
The State Farm Insurance Companies

DATE: February 12, 1997

RE: H.B. 2165

---

Mr. Chairman, Members of the Committee: My name is Teresa Sittenauer and I am Legislative Counsel for The State Farm Insurance Companies, one of the largest auto insurers in the state of Kansas. We appreciate the opportunity to present our testimony in support of H.B. 2165. This legislation does several things, notably, it allows evidence of failure to secure a child in a child safety seat or a seat belt for purposes of determining comparative negligence or mitigation of damages; it allows evidence of failure of any person to wear a seat belt for purposes of mitigation of damages; and it amends current Kansas law of secondary enforcement of seat belt laws to create a primary enforcement law.

State Farm is pleased to support these items addressed in the bill. All three contribute to the reduction of claims cost in the state of Kansas and thus will have a positive impact on auto insurance premiums in Kansas.

The changes in section 1 of the bill would allow admission of evidence of failure to secure a child in a child safety seat or seat belt for purposes of determining comparative negligence or mitigation of damages. Similarly, amendments in section 5 would allow evidence of failure to wear a safety belt--not for purposes of determining comparative negligence--but to show that the failure

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2-12-97*

contributed to that party's injuries. These changes allow for some apportionment of responsibility for damage or injury to the individual who failed to either wear a seat belt or properly secure a child. It is impossible to predict exactly what effect this change would have on Kansas auto premiums. We can say with some certainty, however, that the possible resulting reduction in claims costs would likely translate to somewhat lower auto policy premiums for Kansas drivers.

State Farm has also long favored the concept of primary enforcement of seat belt laws. Section 4 of the bill would implement primary enforcement in Kansas.

There is no question that mandatory seat belt laws save lives and money. In 1994, 40,676 people died in motor vehicle crashes. However, in that same year, safety belt use prevented more than an estimated 9,175 motor vehicle crash deaths. Seat belts not only save lives but reduce injuries as well. Unbuckled crash victims are two to four times as likely as buckled motorists to be hospitalized. Their injuries are two to four times as severe, they require longer hospital stays and they incur treatment costs that are two to seven times as great as those of buckled motorists.

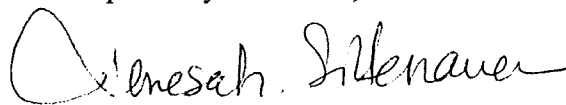
Further, 33% of the cost of motor vehicle crashes is attributable to property damage. Lost productivity, both in the workplace and at home represents 37% of the total cost. Lifetime health care costs of crashes accounts for more than 10% of the total cost. Legal and related insurance costs are 6 and 7% apiece. Miscellaneous costs make up the balance. The total cost of motor vehicle crashes is more than \$140 billion per year.

Primary enforcement of mandatory seat belt laws produces higher usage rates and lower fatality rates. Primary enforcement sends a message to motorists that safety belt use is important and must be taken seriously. For example, California implemented primary enforcement in 1993. Seat belt use in that state climbed from 70% in 1992, the year before implementation, to 83% in 1993--the first year of implementation of primary enforcement.

There are approximately 10 states with primary enforcement laws. The median safety belt use in those states is 78%. In the rest of the states--those with secondary enforcement laws (every state but New Hampshire)--median seat belt use is only 61%. In 1994, Kansas, with a secondary enforcement law, had only a 70% usage rate. With a primary enforcement law, this number could skyrocket, saving Kansans lives and money.

We appreciate this opportunity to present testimony in favor of H.B. 2165. Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Teresa L. Sittenauer". The signature is written in black ink and is positioned below the typed name.

Teresa L. Sittenauer

**KANSAS PEACE OFFICERS ASSOCIATION**  
and  
**KANSAS SHERIFFS ASSOCIATION**

House Transportation Committee

February 12, 1997

House Bill No. 2165

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing KPOA and KSA.

Both organizations support passage of HB 2165. The use of seat belts by adults and children have prevented many deaths and/or serious injuries to Kansas citizens, but on a daily basis LEO's see too many children and adults not using this safety device. Nothing is more devastating to law enforcement and to families than to see children severely injured or die from an accident where the use of safety devices could have reduced the injury or saved a life.

Creating the highway safety education fund from violations of the seat belt law would serve an invaluable service.

Both organizations also support making non-use of seat belts a primary offense; rather than the need to have other violations being the reason for the traffic stop. We believe it has been shown that seat belts do save lives and reduce serious injury.

We urge you to vote favorably on HB 2165.

If you have any questions, I would be happy to answer them.

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**House Bill No. 2165**  
House Transportation Committee  
February 12, 1997

Testimony of Paul Shelby  
Assistant Judicial Administrator  
Office of Judicial Administration

Mr. Chairman and members of the committee:

We appreciate the opportunity to appear before you to discuss House Bill No. 2165, which relates to use of child car seats and seat belts.

Our concern with the bill is on Page 8, Sections 5 and 6, which would require the Clerks' of the District Court, in all 105 counties, to separate and account for half of the seat belt fines from all other fines and make a report to the State Treasurer so that the Treasurer can credit the \$10 to the highway safety education fund, created by K.S.A. 8-1347, and amendments thereto.

The district courts collected and submitted to the State Treasurer, pursuant to K.S.A. 20-2801, for Fiscal Year 1996 the amount of \$9,379,802 in Fines, Penalties and Forfeitures. The majority of these funds are generated from criminal fines, criminal bond forfeitures, traffic fines, fish and game fines, watercraft fines and the recently enacted juvenile tobacco fines. These funds are all lumped together into one fund by the clerks' and paid out monthly to the state treasurer.

Pursuant to K.S.A. 74-7336, 4% of these funds are placed into the Victims's Assistance Fund; 22% to the Victim's Compensation Fund and 74% into the State General Fund all divided by the State Treasurer and not by the Clerks' of the District Court. Both of the victims' funds are administered by the Attorney General.

|  |     |             |
|--|-----|-------------|
| <u>FY 1996 Fines, Penalties and Forfeitures Receipts = \$9,379,802</u> |     |             |
| State General Fund   | 74% | \$6,941,053 |
| Victim's Assistance Fund   | 4%  | \$ 375,192  |
| Victim's Compensation Fund   | 22% | \$2,063,556 |

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We are requesting an amendment to Sections 5 and 6 and adding a Section 7, which relates to K.S.A. 74-7336, the remittances of fines, penalties and forfeitures received by the Clerks of the District Court to the State Treasurer. We are requesting a percent of all fines, penalties and forfeitures go to the Highway Safety Education Fund. This way the State Treasurer would divide the dollars and not 105 clerks.

Calendar Year 1996 Safety Belt Arrests\* 11,345. \$10 additional income from increase = \$113,450.

\*As reported by the Kansas Highway Patrol

|  |         |                   |
|--|---------|-------------------|
| Revised Fines, Penalties and Forfeitures |         | \$9,493,252       |
| State General Fund                       | 73.12%  | \$6,941,466       |
| Victim's Assistance Fund                 | 3.95%   | \$ 374,983        |
| Victim's Compensation Fund               | 21.74%  | \$2,063,833       |
| Highway Safety Education Fund            | 1.19%   | <u>\$ 112,970</u> |
|  | 100.00% | \$9,493.252       |

We urge your favorable consideration for our amendment.

HOUSE BILL No. 2165

AN ACT concerning motor vehicles; relating to use of child car seats and seat belts; amending K.S.A. 8-1347, 8-2503, 8-2504, ~~and 20-2801~~, **and 74-7336** and K.S.A. 1996 Supp. 8-1345 and 8-2118 and repealing the existing sections.

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

Section 1. . .

Sec. 5. K.S.A. 8-2504 is hereby amended to read as follows: 8-2504.

~~(a) (1) From and after the effective date of this act, and prior to July 1, 1987, a law enforcement officer shall issue a warning citation to anyone violating subsection (a) of K.S.A. 8-2503; and (2) from and after July 1, 1987, persons violating subsection (a) of K.S.A. 8-2503 shall be fined not more than \$10 including court costs.~~

~~(b) No court shall report violation of this act to the department of revenue. **Of the remittances of fines for a violation of K.S.A. 8-2503, and amendments thereto, received from clerks of the district court, at least monthly, the state treasurer shall credit \$10 of such fine to the highway safety education fund, created in K.S.A. 8-1347, and amendments thereto.**~~

~~(c) (b) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages, but a party may introduce evidence that the failure to wear a required safety belt contributed to the injury or injuries claimed by a party in any action.~~

Sec. 6. K.S.A. 20-2801 is hereby amended to read as follows: 20-

2801. (a) At least monthly the clerk of the district court shall remit all moneys payable to the state treasurer from fines, penalties and forfeitures to the state treasurer, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund, except as provided in ~~K.S.A. 8-2504 and~~ 74-7336, *and amendments thereto.*

(b) In order to determine the amount of moneys available pursuant to this section, the director of accounts and reports or the state treasurer, whenever it is deemed necessary by either of such officers, may request the clerk of the district court to provide such information as provided in this section. Within 10 days of the receipt of any such request, such clerk

shall certify the amount of moneys collected pursuant to this section to the director of accounts and reports and the state treasurer.

(c) This section shall not apply to municipal courts.

**Sec. 7. K.S.A. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit ~~22%~~ 21.74% to the crime victims compensation fund, 1.19% to the *highway safety education fund created in K.S.A. 8-1347*, and ~~4%~~ 3.95% to the crime victims assistance fund. The remainder of the remittances shall be credited to the state general fund.**

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

**Sec. 8. K.S.A. 8-1347, 8-2503, 8-2504, ~~and~~ 20-2801, and 74-7336 and K.S.A. 1996 Supp. 8-1345 and 8-2118 are hereby repealed.**

~~Sec. 8.~~ **Sec. 9.** This act shall take effect and be in force from and after its publication in the statute book.

**HOUSE BILL NO. 2165**  
**House Transportation Committee**  
**February 12, 1997**

Testimony of Sherlyn Sampson  
Clerk of District Court, Douglas County  
for the Kansas Association of District Court Clerks & Administrators

Mr. Chairman and members of the committee:

I appreciate the opportunity to appear before you today to discuss House Bill No. 2165 which creates the Highway Safety Education Fund and requires that the clerks of district court, at least monthly, pay to the state treasurer all fines for KSA 8-2503, Failure to Use a Seat Belt. The State Treasurer will credit \$10 of such fine to the highway safety education fund. This will have a substantial impact on the 105 District Courts of the State by requiring them to revise their accounting systems and modify their traffic program.

Currently when a traffic ticket is received in the clerk's office, the name and case number is entered into the computer. The amount of the traffic docket fee and the amount of the fine, if known, is also entered. When the money for this ticket is received, it is receipted into the computer system and applied to the costs previously entered. All fees collected are paid out monthly to either the county treasurer or the state treasurer depending on the kind of fee it is. The fines collected for Traffic tickets, Wildlife & Park tickets, Watercraft Tickets, Juvenile Tobacco tickets, Criminal cases and Juvenile cases are all combined into one category and paid monthly to the state treasurer.

The last couple of years, the Office of Judicial Administration has diligently worked toward getting all 105 Clerk of District Court offices onto the same accounting system (CMASS). However, the District Court accounting system is still very cumbersome. All monies received are broken down into several categories for proper distribution. We are presently required to keep separate and maintain more than twenty different funds. These include Fines, Law Library Fees, Prosecuting Attorneys Training Fund, Clerks fees State, Clerks fees County, Law Enforcement Training Center Fund, Indigent Defense Services, Marriage Licenses Fees, Child Support, Restitution payments, Probation Fees, Alcohol & Drug Safety Action Program Fees, Drivers License Reinstatement Fees, Worthless Check Fee, KBI Lab Fee, Witness Fees, Misdemeanor Attorney Fees, Felony Attorney Fees, Marriage License Fees, Child Support, and Post Divorce Motion Docket Fees.

The collection of fine monies for a highway safety education fund will add to the above requirements. In order for us to know the amount of money collected for failure to wear seat belt fines, we will have to establish a special category just for those fines and not include them with all other fines

These changes would require the 105 District Courts of the State to revise their accounting systems. The CMASS program breaks out docket fees, fines and restitution. Most of

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the twenty funds I previously mentioned are entered as a Miscellaneous code under "Other." The current system only allows 21 miscellaneous codes; however, some courts have more than that. Recently, we had to add a post divorce motion docket fee and a worthless check fee. Adding these two fees caused the computer system to fail in the courts that had more than 21 miscellaneous codes. A list of the miscellaneous fees used by most courts is attached (Other code report).

Instead of having the Clerks set up a specific category for KSA 8-2503 fines, failure to use a seat belt, we would suggest that the Clerks continue to pay all fines to the State Treasurer who would in turn pay a percentage of these fines to the highway safety education fund. This would require only one computer and/or form change instead of 105. There are two funds currently receiving a portion of fine money. The Crime Victims Compensation Fund receives 22% and the Crime Victims Assistance Fund receives 4%. The balance of 74% is paid to the State General Fund. There are several other funds that receive a percentage from other fees we collect and pay the State Treasurer. A copy of the monthly report we send to the state treasurer is attached. It shows the various fees we send to that office, the funds that receive a percentage of those fees, and the percentage they receive. (Report and Payment of District Court Revenue).

We support the amendment that Paul Shelby has proposed and would urge your support of it also. Thank you again for allowing me to explain the District Court Accounting system and share with you how the Clerk of District Court offices will be affected if they have to keep seat belt fines separate from other fines collected. I would be happy to answer any questions you may have.

OTHER CODE REPORT

R01

| Code | Description            | Cash Bal? | Pay Out |
|------|------------------------|-----------|---------|
| AFC  | ATTORNEY FEES COUNTY   |           | CT      |
| AFS  | ATTORNEY FEES STATE    |           | BI      |
| ASA  | ASAP FEE               | C         |         |
| CFE  | CERTIF FEE, RESEARCH   |           | ST      |
| CIN  | CHECKING INTEREST      |           | ST      |
| COP  | COPY POSTAGE FAX       |           | CT      |
| CSC  | CHECKING SRVC CHARGE   |           | CT      |
| CSO  | CASH SHORT/OVER        | C         |         |
| DCA  | DRUG TEST CO ATTY      | C         |         |
| DLR  | D L REINSTATEMENT      |           | ST      |
| DRT  | DRUG TESTING FEES      |           | CT      |
| ELM  | ELECTRONIC MONITOR     |           | CT      |
| FOR  | FILING OF RECORD       |           | ST      |
| KRI  | KBI LAB FEE            | C         |         |
| MCR  | MISC REIMBURSE CO.     |           | CT      |
| MIC  | MONEY IN CASE          | C         |         |
| MLF  | MARRIAGE LICENSE       |           | ST      |
| NOE  | PMT ON [REDACTED] CASE | C         |         |
| PDM  | POST DIVORCE MOTION    |           | ST      |
| PFF  | PROBATION FEE FELONY   |           | ST      |
| PFM  | PROBATION FEES MISD    |           | ST      |
| REF  | REFUND                 | C         |         |
| TRE  | TRANSCRIPT (ER)        |           | ST      |
| JCP  | UNCLAIMED PROPERTY     | C         |         |
| WCA  | WITNESS-CO ATTY        |           | CT      |
| WCF  | WORTHLESS CK FEE       |           | CT      |
| WFC  | WITNESS FEE/COUNTY     |           | CT      |

This is a misc code report, some courts have alot more than this. This is where we would add the new fine code.

# REPORT AND PAYMENT OF DISTRICT COURT REVENUE

as required by K.S.A. 8-2110, 20-350, 20-362, 20-2801, 21-4610a, 23-108a  
as amended by 1996 House Bill 2402; 1996 House Bill 2544, and 8-2107, 20-367, 28-172a, 59-104  
as amended by 1996 House Bill 3033.

**A. FINES, PENALTIES AND FORFEITURES:**

- 22% Crime Victims Compensation Fund
- 4% Crime Victims Assistance Fund
- 74% State General Fund

\$ \_\_\_\_\_

**B. INTEREST ON INVESTMENT OF IDLE FUNDS:**

\$ \_\_\_\_\_

**C. CLERKS' S FEES:**

- 6.94% Access to Justice Fund
- 4.45% Juvenile Detention Facilities Fund
- 3.42% Judicial Branch Education Fund
- .92% Protection from Abuse Fund
- 1.83% Protection from Abuse Fund "Trust Account"
- .92% Crime Victims Assistance Fund

- 2.57% Emergency Medical Services Operating Fund
- 4.36% Judiciary Technology Fund
- .57% Dispute Resolution Fund
- 2.03% Kansas Endowment for Youth Trust Fund
- .33% Family & Children Investment Fund
- 71.66% State General Fund

\$ \_\_\_\_\_

**D. LAW ENFORCEMENT TRAINING CENTER FUND:**

\$ \_\_\_\_\_

**E. INDIGENT DEFENSE SERVICE FUND**

**DEDUCTIONS FROM DOCKET FEES:**

\$ \_\_\_\_\_

**F. MARRIAGE LICENSE FEES: (\$50 each)**

- 46.00% Protection from Abuse Fund
- 17.92% Family and Children's Trust Fund
- 20.00% Crime Victim's Assistance Fund
- 16.08% State General Fund

\$ \_\_\_\_\_

**G. DRIVERS LICENSE REINSTATEMENT FEES: (\$50)**

- 50.00% Vehicles Operating Fund
- 37.50% Community Alcoholism and Intoxications Programs Fund
- 12.50% Juvenile Detention Facilities Fund

\$ \_\_\_\_\_

**TOTAL REMITTANCE**

\$ \_\_\_\_\_

\*\*\*\*\*

I hereby certify the above to be a true, complete and accurate report and payment of district court revenue as required to be remitted to the State Treasurer by K.S.A. 8-2110, 20-350, 20-362, 20-2801, 21-4610a; 23-108a as amended by 1996 House Bill 2402; 1996 House Bill 2544 and K.S.A. 8-2107, 20-367, 28-172a, 59-104 as amended by 1996 House Bill 3033.

For the Month of \_\_\_\_\_ District Court of \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Date: \_\_\_\_\_

|                      |
|----------------------|
| Treasurer's Use Only |
| Check # _____        |
| Date _____           |

Please remit to:

Sally Thompson, State Treasurer  
900 SW Jackson Suite 201  
Topeka KS 66612-1235





## KANSAS DEPARTMENT OF TRANSPORTATION

E. Dean Carlson  
Secretary of Transportation

Docking State Office Building  
Topeka 66612-1568  
(913) 296-3566  
TTY (913) 296-3585  
FAX (913) 296-1095

Bill Graves  
Governor of Kansas

**TESTIMONY BEFORE  
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2165  
STRENGTHENING OF CHILD PASSENGER AND SAFETY BELT LAWS**

**February 12, 1997**

Mr. Chairman and Committee Members:

Mr. Chairman and members of the committee, I am Rosalie Thornburgh, Bureau Chief of Traffic Safety. On behalf of the Department of Transportation, I am here today to testify on House Bill 2165 regarding the use of safety belts and child safety seats.

Studies have shown that increasing occupant protection usage is one of the most effective countermeasures for reducing injuries and fatalities incurred in motor vehicle crashes. In states that have primary laws, experience has shown the usage rate is generally ten to fifteen percentage points higher than states with secondary laws, and fatalities and injuries are much lower.

Research by the National Highway Traffic Safety Administration (NHTSA) indicates that, when properly used, safety belts reduce the risk of fatal injury to front seat passenger car occupants by 45 percent. Of the 333 front-seat occupants who died in 1995 on Kansas roadways, 207 were reported not wearing safety belts.

Since the passage of the Kansas safety belt law in 1986, the usage rate in Kansas has climbed from 10 percent to 54 percent in 1996. The national average for safety belt usage is 68 percent. Using formulas derived by NHTSA, we estimate that for the years 1986-1995, 705 lives were saved due to that increased usage. If our usage rate would increase ten percentage points, we estimate that an additional 23 lives could be saved per year.

In summary, amending the current secondary enforcement safety belt use law to primary enforcement would send a clear message to Kansas motorists that safety belt use is considered mandatory for the safe operation of a motor vehicle. A primary enforcement law would elevate non-use of safety belts to a level that law enforcement could treat the same as any other hazardous moving violation, and ultimately reduce injuries and save lives.

*House Transportation  
Attachment 8  
2-12-97*

State of Kansas

Bill Graves



Governor

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Department of Health and Environment

James J. O'Connell, Secretary

Testimony Presented to

House Transportation Committee

by

The Kansas Department of Health and Environment

House Bill 2165

I appear today to provide testimony regarding House Bill 2165. Motor vehicle crashes are the leading cause of unintentional death and injury in Kansas. Each year over 400 persons are killed and over 25,000 persons are injured in motor vehicle crashes in Kansas. It has been estimated that the proper use of safety belts by adults can reduce the risk of death in a motor vehicle crash by 40-50% and the correct use of a child safety seats can reduce the risk by approximately 70%. In 1994, 81% of passenger car occupants killed in motor vehicle crashes in Kansas were not using a safety restraint. Crash data also showed that 80% of children under the age of 14 who died in a motor vehicle crash were either improperly or not restrained.

According to the Behavior Risk Factor Surveillance Survey of Kansas residents in 1995, 42% of respondents reported they did not use a safety belt when asked if they used a safety belt when they drive or ride in an automobile. Men reported higher non-use than women 50% vs 35%. In 1995, Kansas reported the 13th highest rate of safety belt non-use (42%) in the United States.

HB 2165 appears as an effort to decrease death and injury from motor vehicle crashes. If drivers know that a fine will be imposed for failure to provide a child safety restraint and/or to use a safety belt, they may be more motivated to purchase and use safety restraint systems before a citation or injury occurs.

Testimony presented by:

Paula Marmet, Director  
Bureau of Chronic Disease and Health Promotion  
February 12, 1997

*House Transportation  
Attachment 9  
2-12-97*

Kansas Department of Health and Environment  
Division of Health  
Bureau of Chronic Disease and Health Promotion

**Memo**

To: Representative Andrew Howell

Thru: Steve Potsic, MD, MPH  
Director of Health *SP*

From: *Paula Marmet* Paula Marmet, Director,  
Bureau of Chronic Disease and Health Promotion

Date: February 13, 1997

Re: Additional data regarding seatbelt use

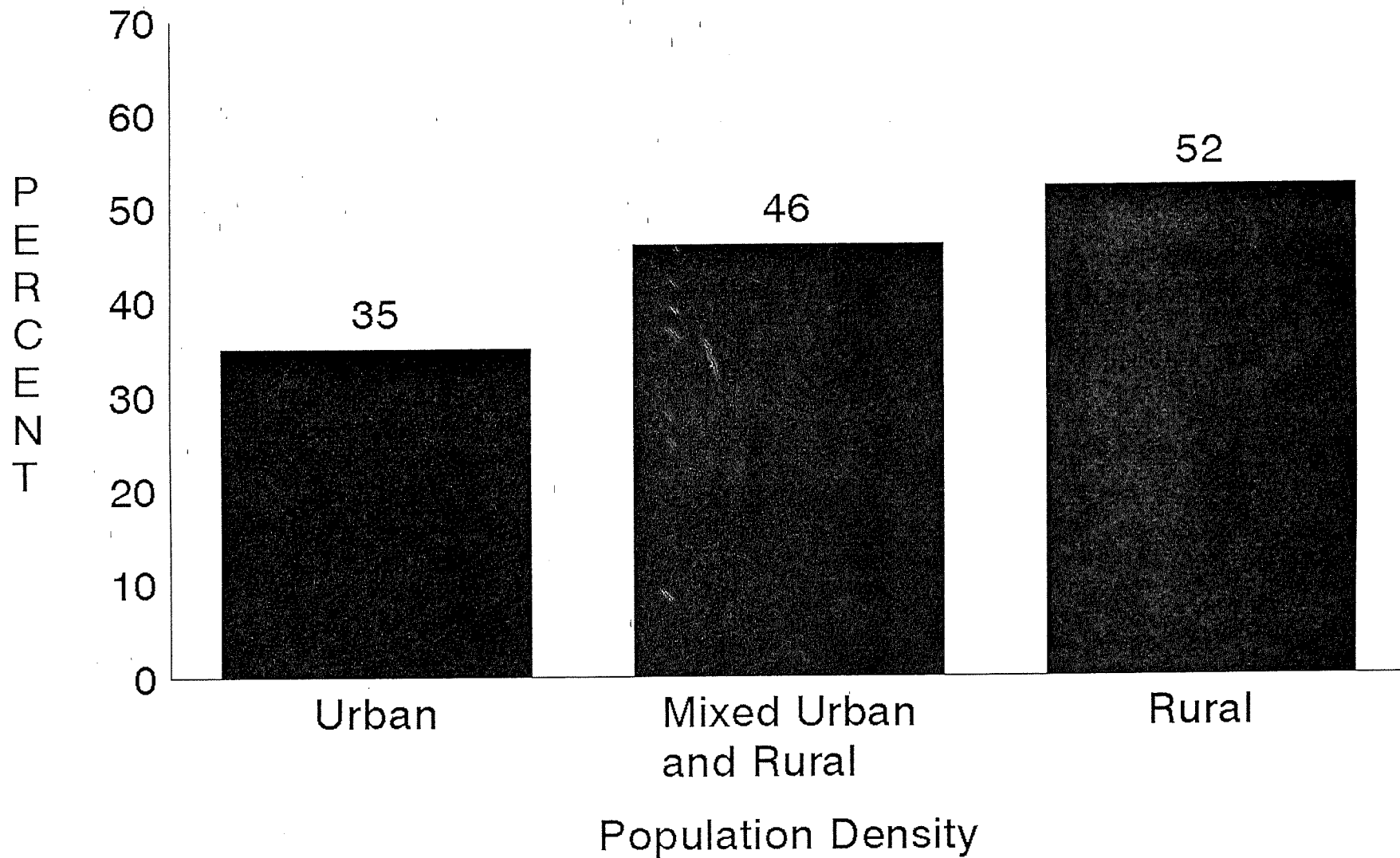
As discussed during the hearing on HB 2165, I am forwarding some additional information in response to your question about whether the rural demographics of our state would affect the state's ranking for safety belt non-use. Attachment A illustrates an analysis of behavior risk data that was collected in 1990 and 1992, which show that there is a difference in reported safety belt usage of Kansas adults who live in counties with populations that are largely urban (higher use) as compared to those who live in counties whose populations are mostly rural (lower use). While the Kansas data indicates a difference in seat belt usage in rural and urban populations, this is only one of the factors that contribute to risk of seatbelt non-use.

Attachment B shows that the states with higher non-use rates are neither consistently rural nor urban populations: Massachusetts, New Hampshire and Rhode Island are about the same or lower than Kansas on seat belt non-use. The factor that is strikingly consistent in the rankings is whether the seat belt law is a primary or secondary offense. The five states with the highest reported compliance rates are those in which non-use of safety restraints are a primary offense, whereas the 19 states with the highest percent of non-use are those in which non-use is a secondary offense. The amount of the fine in the respective states does not seem to correlate with their rankings on non-use.

I hope this information will help to answer your questions related to seat belt use. Please contact me at KDHE, 296-8126 if you have any additional questions.

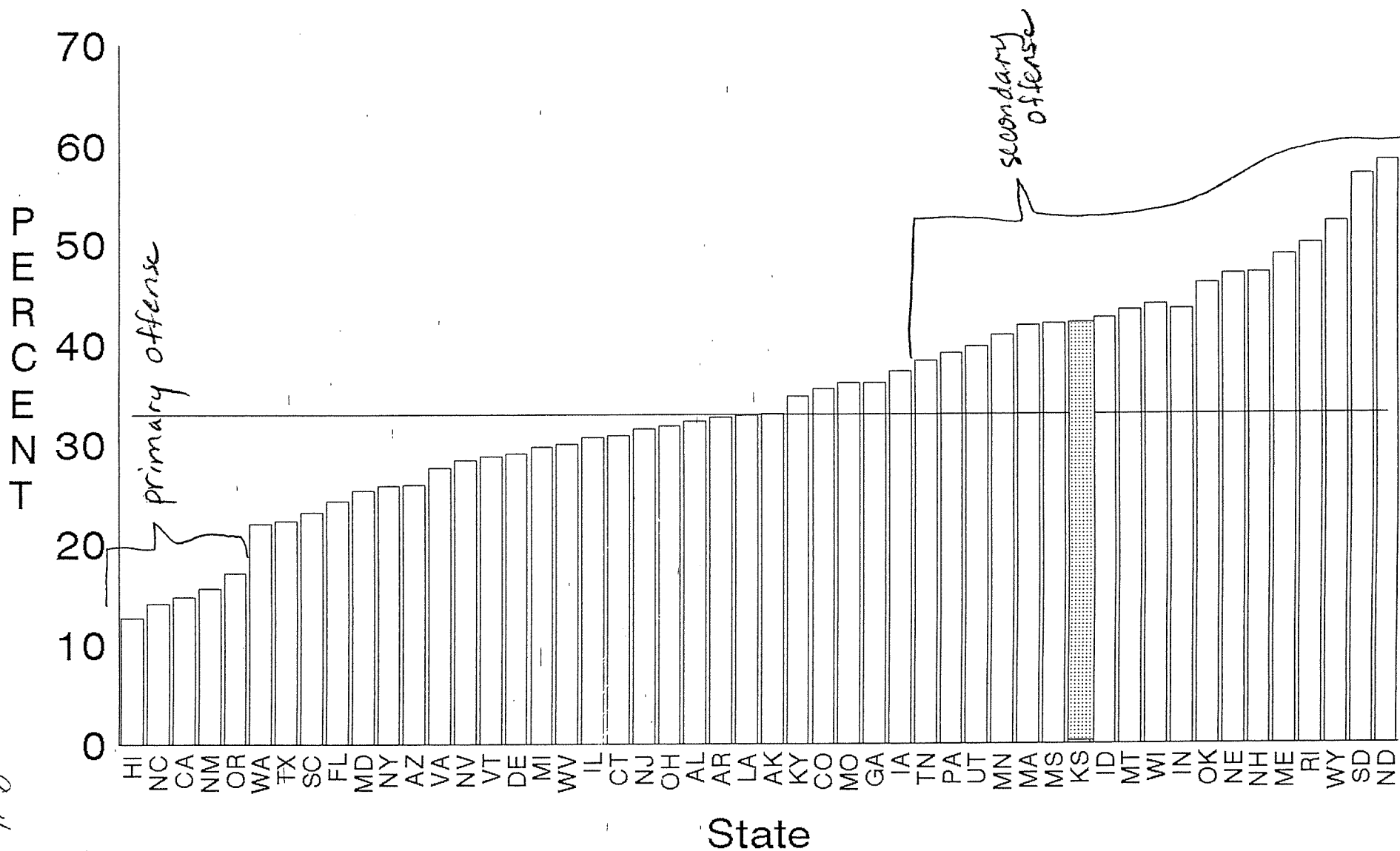
cc: House Transportation Committee

# Prevalence of Safety Belt Non-Use By Population Density



9-3

# Prevalence of Safety Belt Non-Use Comparison by State



h-b

## Key Provisions of Safety Belt Use Laws

| <u>State</u> | <u>Enforcement</u> | <u>Fine</u> | <u>Seats</u> |
|--------------|--------------------|-------------|--------------|
| HI           | Primary            | \$20.       | front        |
| NC           | Primary            | 25          | front        |
| CA           | primary            | 20          | all          |
| NM           | primary            | 25          | front        |
| OR           | primary            | 95          | all          |
| WA           | secondary          | 25          | all          |
| TX           | primary            | 25          | front        |
| SC           | secondary          | 10          | front        |
| FL           | secondary          | 20          | front        |
| MD           | secondary          | 25          | front        |
| NY           | primary            | 25          | front        |
| AZ           | secondary          | 10          | front        |
| VA           | secondary          | 25          | front        |
| NV           | secondary          | 25          | all          |
| VT           | secondary          | 10          | all          |
| DE           | secondary          | 20          | front        |
| MI           | secondary          | 25          | front        |
| WV           | secondary          | 25          | front        |
| IL           | secondary          | 25          | front        |
| CT           | primary            | 37          | front        |
| NJ           | secondary          | 20          | front        |
| OH           | secondary          | 25          | front        |
| AL           | secondary          | 25          | front        |
| AR           | secondary          | 30          | front        |
| LA           | primary            | 25          | front        |
| AK           | secondary          | 15          | all          |
| KY           | secondary          | 25          | all          |
| CO           | secondary          | 15          | front        |
| MO           | secondary          | 10          | front        |
| GA           | primary            | 15          | front        |
| IA           | primary            | 10          | front        |
| TN           | secondary          | 25          | front        |
| PA           | secondary          | 10          | front        |
| UT           | secondary          | 10          | front        |
| MN           | secondary          | 25          | front        |
| MA           | secondary          | 25          | all          |
| MS           | secondary          | 25          | front        |
| KS           | secondary          | 10          | front        |
| ID           | secondary          | 5           | front        |
| MT           | secondary          | 20          | all          |

|    |           |         |       |
|----|-----------|---------|-------|
| WI | secondary | 10      | all   |
| IN | secondary | 25      | front |
| OK | secondary | 10      | front |
| NE | secondary | 25      | front |
| NH | unknown   |         |       |
| ME | secondary | 25      | all   |
| RI | secondary | no fine | all   |
| WY | secondary | no fine | front |
| SD | secondary | 20      | front |
| ND | secondary | 20      | front |

**Kansas Highway Patrol  
Summary of Testimony  
1997 House Bill 2165  
before the  
House Transportation Committee  
presented by  
Lieutenant Terry L. Maple  
February 12, 1997**

Good afternoon Mr. chairman and members of the committee. My name is Terry Maple and I appear before you on behalf of Patrol Superintendent, Lonnie McCollum, to comment on House Bill 2165.

The Kansas Highway Patrol is diligently dedicated to the promotion of traffic safety. We firmly believe that compliance with Kansas' traffic laws and the seat belt law specifically, requires a two-pronged approach that includes both education and enforcement. House Bill 2165 provides the necessary balance between the two, and effectively maximizes our ability to protect Kansas motorists from unnecessary injury or death.

It is unclear at this time whether or not the increase in speed limits will contribute to more accidents and resultant injuries or deaths. It is clear, however; that faster speeds will result in more serious traffic crashes, increasing the urgency surrounding occupant protection. It is from this traffic safety vantage point that we feel it appropriate to consider passage of House Bill 2165. Undoubtedly, the lives of many friends and family members would be saved by responsibly protecting them from the unnecessary risks that result from failure to wear a seat belt.

Establishment of a traffic safety education fund would seem logical. The Patrol and other traffic safety agencies would undoubtedly welcome the opportunity to improve our educational efforts regarding the benefits of occupant protection devices. After all, it is not the intent of the Patrol or other law enforcement agencies to simply write citations for violations of law. Common sense regarding personal safety and voluntary compliance is preferred.

On behalf of the Kansas Highway Patrol, I thank you for giving me the opportunity to speak before you this afternoon. I trust that you will give the serious consideration to House Bill 2165 in the interest of traffic safety.

#####

*House Transportation  
Attachment 10  
2-12-97*





## Mothers Against Drunk Driving

---

3601 SW 29th Street • Topeka, KS 66614 • (913) 271-7525 • 1 (800) 228-6233  
KANSAS STATE OFFICE

February 10, 1997

Gary Hayzlett, Chairperson  
House Committee on Transportation  
State Capitol, Room 115-S  
Topeka, KS 66612

Dear Rep. Hayzlett & Committee Members:

Kansas MADD will be unavailable to have a member testify at the scheduled hearing February 12 regarding House Bill 2165. Kansas MADD would like to submit the enclosed written testimony in support of House Bill 2165, establishing a primary seat belt law.

Kansas MADD believes this law will save lives and prevent injuries.

Sincerely,

Diane Poot  
State Chairperson  
Kansas MADD

House Transportation  
Attachment 11  
2-12-97



## Mothers Against Drunk Driving

3601 SW 29th Street • Topeka, KS 66614 • (913) 271-7525 • 1 (800) 228-6233

KANSAS STATE OFFICE

February 10, 1997

### WRITTEN TESTIMONY SUBMITTED TO THE HOUSE JUDICIARY COMMITTEE ON TRANSPORTATION IN SUPPORT OF HOUSE BILL 2165

Nationally from 1984 through 1994, safety belts saved an estimated 65,290 lives of passenger vehicle occupants over the age of four (9,175 in 1994). In 1994, if every front seat occupant had buckled up, an additional 9,500 deaths and about 200,000 injuries could have been prevented for an economic saving of nearly \$20 billion. While 24.8% of the restrained occupant in passenger cars involved in fatal crashes suffered no reported injuries, only 6.3% of the unrestrained were not injured.

During 1995, Kansas recorded a total of 70,263 motor vehicle crashes resulting in 442 fatalities and 34,800 injuries. At Kansas' current safety belt use rate of 54%, it is estimated that 86 fatalities and 3,138 injuries were prevented during 1995 as a result of seat belt usage, amounting to a savings in "societal costs" of \$172 million. A 15 percentage point increase in safety belt usage to 69% in Kansas during 1995, would have prevented 121 fatalities and 4,010 injuries resulting in societal cost savings of \$228 million.

Kansas MADD considers the use of safety belt and child restraint systems to be one of the primary defenses against drinking drivers. During 1995, a total of 7,614 individuals were involved in alcohol-related crashes involving 4,847 drivers and 2,767 passengers. Drinking drivers represented approximately 46% of the total number of individuals involved in all alcohol-related crashes. Passengers of drinking drivers represented 21% of those involved while 33% were represented by nondrinking drivers and their passengers.

During 1995, Kansas recorded that 223 individuals under the age 15 were involved in an alcohol-related crash while riding with a drinking driver. Approximately 33% of these children were injured and four were killed. The children killed were all under the age of 10 and were not restrained by a safety system.

The National Highway Traffic Safety Administration estimates that safety belts were used by approximately 17.5% of intoxicated drivers killed in fatal crashes (BAC of .10 or greater), as compared to 29.1% of impaired drivers (BAC between .01 and .09%), and 44.6% of sober drivers killed in crashes during 1995.

Kansas MADD urges you to support House Bill 2165.

**Source:** NHTSA  
KDOT - Bureau of Traffic Safety  
Kansas MADD

HOUSE TRANSPORTATION COMMITTEE  
Wednesday, February 12, 1997

My name is Steve Dickerson and I am legislative chair for the Kansas Trial Lawyers Association (KTLA) for the 1997 legislative session. KTLA always welcomes the opportunity to appear before this committee as it considers and works legislation affecting consumers' legal interests.

KTLA strongly supports the use of safety belts, however, if HB 2165 aims to encourage the use of safety belts, it badly misses its target. This bill will not improve compliance with our safety belt laws. Instead, it will allow wrongdoers to blame others for their driving misdeeds to the shock and dismay of victims. Most Kansans will never know until its too late that they could be seriously injured or killed at the hands of a drunk driver and the drunk may not be fully accountable for the harm inflicted.

Sections 1 and 5 of HB 2165 make a 180-degree change in existing law and allow the introduction of evidence of the nonuse of a safety belt in motor vehicle collision cases. This reversal of prevailing law is bad for Kansas and Kansans for the following reasons:

1. The Kansas Legislature has previously considered whether the nonuse of a safety belt should be admissible in a civil action for a victim's personal injury or wrongful death arising out of a motor vehicle collision. On each prior occasion the Legislature did the right thing and rejected enactment of the legislation. Circumstances have not changed. There is simply no compelling reason to revisit this issue or to enact the legislation now.

*House Transportation  
Attachment 12  
2-12-97*

2. Governor Graves recently observed that most Kansans are conservative, levelheaded, and doing their best to balance their careers, their families and their sense of community. These obligations keep Kansans out on our roads and highways. Kansans usually buckle-up and Kansas parents usually buckle-up their children. If Kansans aren't buckled, many times it is for a good reason. HB 2165 insulates wrongdoers from full responsibility for harm caused to responsible, well-intentioned Kansans who are seriously injured or killed in a motor vehicle collision regardless of whether it was reasonable to be unbuckled at the moment of a collision.

3. As legislators well know, Kansans, like the citizens of many midwestern and western states, often have long drives to negotiate. Everyday, responsible Kansas drivers and passengers momentarily forget to buckle and responsible Kansas passengers must briefly unbuckle to take care of something important like changing a diaper. It just isn't good public policy to allow wrongdoers to avoid full responsibility for harm caused to these unbuckled, but otherwise responsible drivers and passengers. Pulling off to the side of an interstate highway for a passenger to change a diaper is not always a better or safer solution. Many parked cars and pedestrians on highway shoulders are struck by passing motorists.

4. Parents are particularly sensitive to the occasional need to unbuckle. Sometimes a small child must be breastfed or comforted or changed while the family is out

on the highway. Is this parental conduct irresponsible? HB 2165 thinks so because it exacts a heavy penalty across the board regardless of the circumstance.

5. We love our teenagers and do our level best to educate, instruct and guide them as they navigate their way to adulthood, but teenagers get distracted. When a teenager's transgression is forgetting to buckle-up one time, is it fair for a reckless driver to evade full responsibility for the teenager's injury claim or the claim for the teenager's wrongful death just because of the teenager's momentary lapse of judgment?

6. Many Kansans are engaged in employments or occupations which require frequent entry into and exit from their vehicles. It doesn't make good sense to allow the law to gut what would and should be a meritorious personal injury or death claim just because the victim's safety belt wasn't fastened.

For example, farmers and ranchers must often drive and maneuver through many gates to do their job. If an unbuckled farmer is hit by a drag racer as the farmer crosses the road going from one gate to another gate, why should the wrongdoer be able to elude full accountability for the farmer's injuries or death?

7. In the eyes of many Kansans mandatory safety belt laws smack of government inappropriately interfering with the lives of citizens and telling them what to do. Some Kansans have earnestly decided that safety belts aren't as safe as represented and

may decline to use them for personal reasons. Recent studies have warned of the dangers of safety belts for pregnant women, and many late-term pregnant mothers fear that a safety belt might harm the child they are carrying and are reluctant to always use them. If one of these Kansans is killed when a drunk driver swerves across the centerline of the highway, is it really right to allow the trial to become a circus on whether a seat belt would have saved the life?

8. The axiom that everything affects everything else, sometimes unintentionally, certainly comes to mind when evaluating HB 2165. Someone has to bear the financial brunt of the victim's medical bills, wage losses, expenses and disabilities. If the wrongdoer can escape financial responsibility for the consequences of the wrongful act, then someone else, for example, Medicaid (SRS), charity or the taxpayers, will have to foot the bills. The wisdom of shifting financial responsibility from the wrongdoer is not readily apparent.

9. Although it isn't commonplace, some safety belt systems have failed to properly work in a collision. Some have even disconnected. Is it fair for the victim of such an equipment failure to have his or her meritorious injury or death claim against a careless driver impaired as a result of the introduction of alleged nonuse evidence?

10. The first reaction of some injured victims, even if semi-conscious when their vehicle comes to rest, is to unsnap their belt. It may appear they weren't belted when they were. These situations will create nonuse claims and controversy.

11. If HB 2165 is enacted the focus of many motor vehicle collision cases will be the alleged nonuse evidence. A cadre of safety belt expert witnesses will emerge and longer and more expensive cases and trials will inevitably follow.

12. Although there is evidence that safety belt use saves lives, there is also evidence that safety belts cause or contribute to certain injuries and that their effectiveness is overstated. Forcing juries to hear and make sense of this sometimes conflicting evidence every time there is an allegation of nonuse is unproductive and fraught with pitfalls. Airbags underscore the potential for confusion and distraction. For years there was seemingly solid, persuasive evidence that airbags were safe and saved lives. More recent airbag developments have certainly clouded what was conventional wisdom. Alleged nonuse evidence invites speculation and conjecture which are inappropriate in a courtroom.

In the end this is a public policy issue and the best public policy is to leave the existing law alone. The present statute reasonably strikes a common sense balance (a) by requiring safety belt use but prohibiting law enforcement officers from stopping a motorist for violation of the requirement in the absence of another violation of law, and (b) keeping the trial of auto collision cases focused on driving fault and the nature and extent of the injuries suffered instead of the collateral, side issue of nonuse.

A traveler has the right to assume the highway is reasonably safe for travel and that other drivers will obey the rules of the road. But for the random intervention of the wrongdoer's negligence, the injury or death never would have happened.



**TESTIMONY BEFORE THE HOUSE COMMITTEE  
IN SUPPORT OF HOUSE BILL HB 2167  
BY GLORIA OXENDINE ON 2/12/97**

I. The Set Up

- Dec. 6, 1995 - Gloria Oxendine is given a ticket for a traffic violation involving failure to signal during a lane change and failure to provide proof of insurance. *Unfortunately, insurance papers are at home because we recently purchased this car.*
- Dec. 15, 1995- Gloria Oxendine is cited for speeding and failure to provide proof of insurance. *Proof of insurance is in husbands' possession, who is paying citation of December 6 and providing proof of insurance to County Court House.*
- Item # 1 - Copy of tickets with copy of insurance card provided to County Court. County is satisfied that insurance was in effect and forwards proof to Topeka Department of Revenue. State requires further confirmation and forwards request for proof of insurance to insurance company.
- March 18, 1996- Our insurance company is contacted to provide proof of insurance by not returning form DC-66. By not returning form, insurance company attests to insurance coverage. There is no reason for us to be concerned since we have had continuous coverage with the same company for 9-years.
- Item # 2 - Letter from insurance company, dated July 10, 1996 affirming previous statement.

II. Looking for Jenny Schultz

- May 17, 1996- Letter from Kansas Department of Motor Vehicle Division, arrives stating that my license will be suspended, because of lack of insurance. No mental alarms go off because my husband and I know that we have had continuous insurance and provided proof of insurance to the Sedgwick County Court when we paid the traffic citations. My husbands comments are, "There has been a mistake, I'll take care of it." He makes phone call to Topeka and then to the AMICA Insurance company. He asks the insurance company if they have received a request for proof of insurance and taken care of it.
- Item # 3 - They inform that they have received a request and it has been "taken care of." Usually, my husband as a manager is accustomed to asking questions and assuming that the two parties know what "taken care of" means to the responsible parties. In this case, this proved to be a false assumption. Unbeknown to us, there existed in the files in Topeka, erroneous information.
- Item # 4 - **In response to the Dec. 6th. ticket, Topeka claims that AMICA Insurance Company states that the policy for Gloria Oxendine was not found and signed by a Jenny Schultz.**
- Item # 5 & 6 - It might be of interest to note that AMICA Headquarters and the Colorado Regional Branch state they **have never employed a Jenny Schultz** and have provided a letter to that effect.
- \*\* No further notice is ever sent from the Department of Motor Vehicles.**

*House Transportation  
Attachment 13  
2-12-97*

III. Felony Committed?

- July 1, 1996- K.S.A. 1995 Supp. 8-260 goes into effect on July 1, 1996 making it a felony to drive with a suspended license and present the suspended drivers license to a police officer in the course of a traffic violation or upon request.
- July 6, 1996- While making a left hand turn, my car is rear ended. Two officers in the area stop to assist; Other drivers are cited for the accident and released to go. Accident report is filed.
- My nightmare begins: The officer returns to my car to inform me that :
1. My license is suspended.
  2. Driving with a suspended license and presenting same license is a felony.
  3. Someone needs to immediately come to the scene to take my 3-year OR THEY WILL PLACE MY SON IN A CHILDREN'S HOME.
  4. I am to be arrested, driven to the county jail, booked and placed in a holding cell.

IV. STRESSED!!

- Stress #1 - My husband is at home sick with the phone turned off.
- Stress #2 - My 3-year old son in the car with me has a disability requiring me to relieve pressure building in his bladder by a method known as catheterization. In one hour from the time of the accident, I will need to catheterize him. He is more than precious to me. Spina Bifida is a congenital birth defect that effects neural muscular ability in varying degrees. Paul is unable to walk and uses leg braces and a walker.
- Stress #3 - It is the 6th of July, hot, and I am already exhausted from working since early morning, staining our deck.
- Stress #4 - Discussion with the officers regarding the suspended license reveals that the cause is for lack of insurance. I present to them both my 1995 and 1996 insurance cards. No discussion is going to change what has been set in motion by this legislative act. I am arrested.

Using the police officer's phone, I call a friend to use whatever means necessary to get into my home and wake my husband and bring him to the scene. In front of my husband, my son, my friend, and passing traffic within 4 miles of my home, I am handcuffed and placed in the back of a patrol car. My husband has to attempt for the first time to catheterize our son.

It is of personal importance that you know just a bit more about me.

1. I am the mother of 4 year old and 9 year old boys.
2. I am a public school teacher for grades 1-12 with 9 years of experience in Florida, Colorado and Kansas. I have a Master's Degree in Reading.
3. I am on the state board of the Spina Bifida Association of Kansas.
4. I am a Sunday School coordinator for 15 teachers. (Recently resigned)
5. Following the dictates of my conscience is of utmost importance in my life and training my children to know and love God is a priority in my life.
6. Very important that it be understood that my only encounters with the police is in regard to traffic violations.

I watch as my then 3-year old waves innocently to me as I am driven away in the patrol car, unable to wave back. My questions to the officers indicate my lack of knowledge as to what lies before me. I ask, "Will there be someone at the station on a Saturday who will be able to take care of my paper work?"  
 "Yes Ma'am"

At the Sedgewick County Jail I am escorted by the two arresting officers into the main jail area. I am standing beside some rough looking characters who are also handcuffed. I watch as a man is frisked, and I ask "Are they going to frisk me?"

"Yes Ma'am"

"I request a female attendant then."

"Yes Ma'am"

My wedding ring and jewelry are confiscated. I'm asked to follow a female black police officer. Thankful for the privacy of being frisked behind closed doors, I follow. Three yards from the main desk where a group of male officers are gathered, I am led into a dirty restroom used by both men and women and ordered to remove all of my clothing. To my horror and outrage I am being strip searched. I am bullied into compliance, all the while saying "But, I am a law abiding citizen!" My clothes are placed in a dirty sink and I watch as my greatest fear is realized. I am locked in a room with people I can not reason with and against my will, forced to do what they require. The officer checks my mouth, my hair is unbraided and checked for drugs. I am also commanded to squat on the concrete floor, naked. The officer tells me that I will probably be sued by the other driver for not having insurance. The unprofessional remark clues me to not utter another word. ***There is no reasoning here!*** The same jail attendant leaves me in the restroom with no directions. I wait, expecting a prison robe to be brought to me. Minutes pass. I was left alone and only steps away from the restroom I hear this same attendant repeat to the male officers at the desk my exact words to her, "but I'm a law abiding citizen" and then I hear laughter. I am outraged! The attendant returns, I'm still standing there disrobed when she peeks into the restroom and with disrespect says, "Well, you can get dressed now." I am led to a cell to sit upon a concrete slab with another lady until 7:30pm when I am released on my own recognizance.

I am subjected to all this humiliation and incredible stress because unbeknown to me, my license is suspended. ***I am overnight a felon!***

In the days and weeks that follow I cannot sleep or eat. I am in shock. I lose weight and I lose focus on previous personal goals. Our home is placed on the market in October rather than August as planned, because this incident so side-tracked us.

We have spent hours counseling with lawyers. Initially it was thought that my civil rights had been violated. We would go to court. Then a stunning realization. Everyone was within their rights because of the new law. We determined that there were two correct things that should be done.

1. Have a face-to-face meeting with Mayor Bob Knight and City Manager Chris Churches of Wichita as well as with Chief of Police Watson, the two arresting police officers, and Sheriff Mike Hill. ***Internal Policy changes have been implemented as a result of my ordeal.***
2. Have a meeting with the state legislative body responsible for passing such poor legislation and request it be amended immediately.

I have received a lot of support from friends and family across seven states. Encouragement of flowers and cards were given to me. It has been an unbelievable experience and all are wondering what is going on in Kansas? I hope my story will influence you to make the right decision concerning this bill, HB 2167

Politicians and orators of old have always impressed me with their use of verse in speeches. I would like to seize the moment to add my favorite as a conclusion to my story.

"The God of Israel spoke, the Rock of Israel said to me:

When one rules over men in righteousness,

When he rules in the fear of God, he is like the light of morning,

like the brightness after rain that brings the grass from the earth."

II Samuel 23:3

ITEM # 1

2399791 UNIFORM NOTICE TO APPEAR AND COMPLAINT 2399792 KANSAS HIGHWAY PATROL

Case No. 95TR1956lorz Station No.
State of Kansas SEDGWICK ss. 1 2 of 2
County of SEDGWICK
on the 6 day of DEC 1995 at 1:15 P.M.
Name O X E N D I N E
GLORIA (Last) D.
Street Address 7903 CHAMPION CR
City WICHITA State KS Zip 67226
Birth Date 01 24 54 Race W Sex F Ht 508 Wt 140
Dr. Lic. State KS No 282-56-1300
Did Upon Public Highway No. 2200 N. ROCK Co. of SK
Unlawfully Operate a Yr. 86 Make CLDS Type A
Year 96 State KS License No. JFD 768

60827XNIMW 7MP76
VEN # 214LP 214M 214738096

And did then and there commit the following:
Speeding Radar - VASCAR - LIDAR - Stopwatch - Pace - A/C
Alleged Speed \_\_\_\_ mph Legal Speed \_\_\_\_ mph ID# \_\_\_\_
Fail to Yield Log Book Left of Center
Seat Belt Driver's License Child Restraint
Registration Equipment Liability Ins.
DUI Accident Commercial Vehicle Hazardous Material Const. Zone
Other Violations: FAIL TO SIGNAL
LANE CHANGE / NO VALID REASON
Section No. 8-1548 Infraction Misdemeanor Felony
K.A.R. No. 40-3104
Section No. Infraction Misdemeanor Felony
K.A.R. No.

Officer's Signature [Signature] No. 27287 Co. 87
Appear before District Court At WICHITA
on 3 day of JAN 1996 at 9:00 A.M.
I promise to appear in said court at said time and place above for arraignment.
Signature [Signature]
Bond Posted [X] Cash [ ] O.L. [ ] Bond Card No.
Amount \$ Location
I, the above officer, served a copy of the infraction citation upon the defendant. [X]

Name O X E N D I N E (Last)
G L O R I A (First)
214738096

Uniform Notice to Appear and Complaint Case No.
WICHITA POLICE DEPARTMENT
Municipal Court, City of Wichita,
Sedgwick County, State of Kansas, SS:
THE UNDERSIGNED HEREBY DECLARES UNDER
PENALTY OF PERJURY THAT THE FOLLOWING
IS TRUE AND CORRECT:
CITATION NO. 6-784321
ON THE 15 DAY OF Dec 1995 AT 1:15 P.M. Complaint
in Wichita, Sedgwick County, Kansas
Last Name D. Oxendine
First Name Gloria Middle Initial D
STREET ADDRESS 7903 CHAMPION CR
CITY WICHITA STATE KS ZIP 67226 PHONE 634-6772
BIRTH DATE 01-24-54 AGE 41 RACE/SEX W/F WT. 140 HT. 5-08
DR. LIC.# 282-56-1300 STATE KS CLASS C
BUS. ADD. NONE SOC. SEC. 282-56-1300
VEH MAKE FORD MODEL 44 COLOR BHI
VEH. LIC. YEAR 96 STATE KS CO 44 LIC.# JFD 768
WITHIN THE CORPORATE LIMITS OF THE ABOVE NAMED CITY, COUNTY, AND STATE,
OPERATE A VEHICLE AND DID THEN AND THERE COMMIT THE FOLLOWING:
Speeding Drive 53 MPH in a 40 MPH zone Radar# 4471
Run Stop Sign Careless Driving Turn Violation 44710
Inattentive Driving Driver's Lic. Violation
Restriction Violation Run Red Light Fail to Yield ROW
Auto Tag Violation Defective Equipment
Drive Under Influence of Alcohol and/or Drugs
Other Violation: None
Accident Prop. Damage Pers. Injury Commercial Vehicle
Transporting Hazardous Mat. Notice to Appear Booked
CONTRARY TO SECTION(S): 11.24.04D / 11.13.01D
OF THE CODE OF THE CITY OF WICHITA, KANSAS, YOU ARE HEREBY
SUMMONED TO APPEAR BEFORE THE MUNICIPAL COURT, CITY HALL,
455 N. MAIN, WITHIN 10 DAYS AFTER ISSUANCE OF THIS
SUMMONS TO ANSWER THIS COMPLAINT
OFFICER'S SIGNATURE [Signature]
CLERK OF THE MUNICIPAL COURT DEP.
WARRANT FILED THIS DATE
Acknowledgment of receiving notice to appear
SIGNATURE [Signature]
I PROMISE TO APPEAR IN SAID COURT WITHIN 10 DAYS

6-784321
Name Oxendine Gloria D.
Last First Middle Initial
6-784321

ITEM # 2



# AMICA MUTUAL INSURANCE COMPANY

BRANCH OFFICE:

CHERRY CREEK PLACE III, 3151 SOUTH VAUGHN WAY, SUITE 400, AURORA, COLORADO

MAIL: P. O. BOX 441305, AURORA, CO 80044-1305

Telephone (303) 337-9700  
Toll Free 1-800-24-AMICA

July 10, 1996

Mr. John Oxendine and  
Mrs. Gloria Oxendine  
7903 Champions Cir.  
Wichita, KS 67226

Dear Mr. and Mrs. Oxendine:

This is in reference to our recent telephone conversations.

On March 8, 1996 we received a copy of form DC-66 from the Kansas Motor Vehicle Department. This form is a request for insurance information. In section I of the form it states; "If a policy was NOT in effect on the date cited in Section D, return this form within thirty days to Driver Control Bureau". Since we were able to locate a policy that was in force, we did not return the copy of the form that we received, which automatically confirms to them that there is coverage.

If you have any questions, please let us know.

Very truly yours,

A handwritten signature in cursive script that reads "Caroline B. Hurwitch".

Caroline B. Hurwitch  
Underwriter

\*CBH



KANSAS DEPARTMENT OF REVENUE

Division of Vehicles, Driver Control Bureau

P. O. Box 12021

Robert B. Docking State Office Building

Topeka, Kansas 66612-2021

(913) 296-3671 (913) 296-6851 FAX

ITEM # 3

May 17, 1996

DRIVER'S LICENSE SUSPENSION ORDER  
INSURANCE VERIFICATION (K.S.A. 40-3118)

OXENDINE GLORIA D  
7903 CHAMPION CR  
WICHITA KS 67226

DRIVER LICENSE NUMBER: 282561300  
TAG NUMBER: JFD768  
VEHICLE REGISTRATION: 92 FOR JFD768  
DATE INSURANCE VERIFIED: 12/06/1995  
SUSPENSION DATE: 06/16/1996  
REINSTATEMENT FEE: \$25.00

NOTICE

THE DIVISION IS UNABLE TO VERIFY, WITH THE INFORMATION PROVIDED, THAT THE IDENTIFIED VEHICLE WAS INSURED ON THE DATE INSURANCE VERIFIED SHOWN ABOVE. PURSUANT TO K.S.A. 40-3118, THE KANSAS DIVISION OF VEHICLES MUST INFORM YOU THAT YOUR DRIVER'S LICENSE AND VEHICLE REGISTRATION PRIVILEGES WILL BE SUSPENDED UNLESS YOU REQUEST A HEARING PURSUANT TO K.S.A. 8-255 WITHIN 30 DAYS TO DEMONSTRATE PROOF OF CONTINUOUS FINANCIAL SECURITY COVERING THE VEHICLE OR PRESENT DOCUMENTATION SHOWING FAILURE TO MAINTAIN CONTINUOUS FINANCIAL SECURITY WAS DUE TO A CAUSE BEYOND YOUR REASONABLE CONTROL.

THE SUSPENSION WILL REMAIN IN EFFECT AND YOU MUST SURRENDER THE SUSPENDED ITEMS TO THE DIVISION UNTIL YOU HAVE COMPLETED THE FOLLOWING STEPS:

1. PURCHASED LIABILITY INSURANCE (WHETHER OR NOT YOU OWN A MOTOR VEHICLE) AND YOUR INSURANCE COMPANY, NOT YOUR AGENT, HAS FILED A CERTIFICATE OF INSURANCE WITH THE DIVISION. EVIDENCE OF SUCH INSURANCE MUST BE MAINTAINED ON FILE WITH THE DIVISION FOR A PERIOD OF THREE YEARS; AND
2. REMITTED THE REINSTATEMENT FEE SHOWN ABOVE TO THE DIVISION OF VEHICLES.

UPON COMPLYING WITH THE ABOVE REQUIREMENTS, YOU WILL BE NOTIFIED OF THE REINSTATEMENT OF THE SUSPENDED ITEMS PROVIDED NO OTHER ACTIONS ARE PENDING.

Gary L. Carter  
For the Director, Division of Vehicles

TO REQUEST AN ADMINISTRATIVE HEARING, SIGN AND DATE THIS FORM, AND MAIL IT TO THE DIVISION (ADDRESS ABOVE). IF YOUR ADDRESS IS DIFFERENT THAN SHOWN ABOVE, YOU MUST INFORM THE DIVISION OF THE NEW ADDRESS (K.S.A 8-248):

-----  
(SIGNATURE)

-----  
(DATE)

DC71 RVDCKV

ITEM # 4

**G** COURT INSTRUCTIONS

If insurance information was not furnished when requested by a law enforcement officer; the vehicle owner or driver is required to present within twenty (20) days to the court designated on the citation one of the following which provides the name of the insurance company, policy number covering the vehicle at the time the citation was issued, and the effective and expiration dates of the policy:

1. A policy of motor vehicle liability insurance.
2. A policy identification card or certificate of insurance.
3. A certificate of self insurance signed by the Commissioner of Insurance.

Pursuant to K.S.A. 8-1604 or K.S.A. 40-3104, when the insurance information has been furnished within twenty (20) days after the issuance of a citation, prosecution is to be stayed for 60 days and this form is to be completed and mailed to the Driver Control Bureau, Robert B. Docking State Office Building, P. O. Box 12021, Topeka, Kansas 66612-2021 by the court in which such person presented evidence of insurance.

**H** LAW ENFORCEMENT INSTRUCTIONS

Upon requesting evidence of insurance as required by K.S.A. 8-1604 or K.S.A. 40-3104 and such evidence is not furnished, a traffic citation is to be issued and the information in blocks A, B and D completed and attached to the citation forwarded to the court.

**I** FOR INSURANCE COMPANY USE ONLY

If a policy was not in effect on the date cited in Block D, return this form within thirty (30) days to: Driver Control Bureau, Robert B. Docking State Office Building, P. O. Box 12021, Topeka, Kansas 66612-2021.

This policy was not in effect by the company cited in Block C on the date cited in Block D.

REMARKS Policy not found

Jenny Schultz 3-29-96  
Authorized Representative Date

KANSAS MOTOR VEHICLE INSURANCE VERIFICATION

(Please Print)

**A** DRIVER INFORMATION

OXENDINE  
Last Name First Name Initial  
282-56-1300 KS  
Driver License Number State

**B** VEHICLE INFORMATION

OXENDINE  
Owner's Last Name First Name Initial  
82 FORD JED 768  
Model Year Vehicle Make License Plate Number  
KS 96 12FALP74W1NX2380  
State Year V.I.N.

**C** INSURANCE INFORMATION

Amica Mutual Ins Co  
(Insurance COMPANY Name)

960215-1006

**D** (Policy Number)

Date insurance to be verified 12-6-95  
Is this verification a result of an accident? Yes  No

**E**

KHP/TECP F-3 / K-277  
Name of Law Enforcement Agency initiating this form

Sedgwick  
Name of Court completing this form (Please Print)

**F** Name of Court completing this form (Please Print)

2399797  
Citation Number if issued for no insurance

SEE REVERSE

ITE # 5



AMICA MUTUAL INSURANCE COMPANY

BRANCH OFFICE:  
CHERRY CREEK PLACE III, 3151 SOUTH VAUGHN WAY, SUITE 400, AURORA, COLORADO  
MAIL: P. O. BOX 441305, AURORA, CO 80044-1305

Telephone (303) 337-9700  
Toll Free 1-800-24-AMICA

July 23, 1996

Mr. John Oxendine and  
Mrs. Gloria Oxendine  
7903 Champions Cir.  
Wichita, KS 67226

Automobile Policy: 970215-2012

Dear Mr. and Mrs. Oxendine:

This is in reference to your recent message regarding the Kansas DC-66 form.

We have contacted our Personnel department, and they find no indication that there is a Jenny Schultz, or Jennifer Schultz, employed by AMICA Mutual Insurance Company.

As discussed, we did receive a copy of the form in our office, but since there was a policy in force, we did not sign the form just placed it in our files.

If you have any questions, please let me know.

Very truly yours,

Caroline B. Hurwitch  
Underwriter

\*CBH



ITEM # 6



AMICA MUTUAL INSURANCE COMPANY

LINCOLN CENTER OFFICE PARK  
35 LINCOLN CENTER BOULEVARD, LINCOLN, RHODE ISLAND  
MAIL: P. O. BOX 6008, PROVIDENCE, RI 02940-6008

Telephone (401) 334-6000  
RI Toll Free 1-800-24-AMICA  
Toll Free 1-800-62-AMICA

July 31, 1996

Mr. and Mrs. John Oxendine  
7903 Champions Circle  
Wichita, KS 67226

Dear Mr. and Mrs. Oxendine:

This letter will summarize my July 30, 1996 conversation with Gloria Oxendine.

I work in the Home Office Personnel Department for Amica Mutual Insurance Company. I checked our computer database and have confirmed that we have not employed in any of our offices throughout the country a female employee named Schultz, including a Jennifer or Jenny Schultz. This includes the time frame from January, 1996 to the present. In addition, we checked records of temporary employees hired through temporary employment agencies and have found that we did not employ a female temporary by that name during that time period.

Please let me know if I can be of further help.

Very truly yours,  
*Patricia A. Talin*  
Patricia A. Talin  
Assistant Vice President

PAT:SBW1

Betty McBride, Director of Vehicles  
Kansas Department of Revenue  
Robert B. Docking State Office Building  
915 SW Harrison St.  
Topeka, KS 66626-0001



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

Division of Vehicles

To: The Honorable Gary Hayzlett, Chairman  
House Committee on Transportation

From: Betty McBride, Director Division of Vehicles  
Kansas Department of Revenue

Date: February 12, 1997

Mr. Chairman, members of the committee,

I am Betty McBride, Director of the Kansas Division of Vehicles. I appreciate the opportunity to appear before you today on behalf of the Kansas Department of Revenue, regarding House Bill 2167.

House Bill 2167, strikes suspended licenses, in paragraph one (1), from unlawful acts and adds the possession of a suspended license as a separate violation to be charged as a class B misdemeanor. This would leave a fictitious or fraudulently altered driver's license as a severity level nine (9), non person felony. This will accomplish the Division's intent in legislation passed last year to prevent the use of fictitious or fraudulent documents to obtain a driver license. In order to avoid additional confusion and clarify the intent the Division recommends that House Bill 2167 be amended on line (17), paragraph one (1) strike the words canceled and revoked. and on line 37 after the word suspended add canceled or revoked.

Mr. Chairman, the Division of Vehicles supports House Bill 2167, with these amendments and asks for the committee's favorable support.

Thank you again for the opportunity to appear today. I would stand for questions.

House Transportation  
Attachment 14  
2-12-97

**KANSAS PEACE OFFICERS ASSOCIATION**

and

**KANSAS SHERIFFS ASSOCIATION**

House Transportation Committee

February 12, 1997

House Bill No. 2167

*Revised*

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing KPOA and KSA.

Although we support passage of HB 2167, we would like to make several suggestions to the committee.

1. In (1), remove "canceled" and "revoked"; include these in (9). A license can be canceled or revoked for many reasons prior to the license holder knowing.
2. We would suggest changing (7) from a class B misdemeanor to a level 9, nonperson felony. This item covers the manufacturing of fictitious or fraudulently altered drive's license, an up and coming business in Kansas.

We believe the above changes are in the best interests of Kansas citizens.

If you have any questions, I would be happy to answer them.

*House Transportation  
Attachment 15  
2-12-97*

**Kansas Highway Patrol  
Summary of Testimony  
1997 House Bill 2167  
before the  
House Transportation Committee  
presented by  
Lieutenant Terry L. Maple  
February 12, 1997**

Good afternoon Mr. chairman and members of the committee. My name is Terry Maple and I appear before you on behalf of Patrol Superintendent, Lonnie McCollum, to comment on House Bill 2167.

HB 2167 would amend penalties for unlawful use and possession of a driver's license. We feel the changes are appropriate and would eliminate some unintended problems created by passage of House Bill 2665 last year.

It is our understanding that there is a balloon of a bill being developed which will include recommendations suggested by the Division of Vehicles and make penalties consistent with those for illegal use of nondriver identification cards. Hopefully that balloon will address issues presented by conferees and eliminate the unintended problems caused by the existing law.

With these considerations in mind we respectfully ask you favorably consider the suggested amendments to HB2167.

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*House Transportation  
Attachment 16  
2-12-97*