

MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE.

The meeting was called to order by Chairperson Senator Ben Vidricksen at 9:05 a.m. on February 16, 1999 in Room 254-E of the Capitol.

All members were present except: Senator Gilstrap  
Senator Huelskamp

Committee staff present: Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Ronda Lusk, Wichita Area Safe Kids  
Tyler Harrison  
Mrs. Harrison  
Jake & Katy Nightengale  
Mrs. Nightengale  
Carolyn Jenlink,  
2<sup>nd</sup> Lt. Donald Cackler

Others attending: See attached list

**SB 50: Seat belt safety use act**

This meeting was held at the special request of three students from Wichita whose lives were saved by wearing seat belts. They were not aware of the previously scheduled hearing, but felt their stories should be heard. Therefore, only their testimony will be heard today. A large group, came with the students, all representing Kansas Safe Kids .

Ronda Lusk, Wichita Area Safe Kids, spoke to the Committee regarding support for **SB 50 (Attachment 1)**. As an emergency room nurse in Wichita, she related occurrences from her own knowledge. She then introduced the three children who were here today because they were wearing seat belts when the vehicles in which they were riding became involved in serious accidents. Tyler Harrison, Katy and Jake.Nightengale.

Katy, Jake and their mother told their story with Jake urging passage of a seat belt law. They described the accident in which they were involved when riding with their grandmother. The car rolled after the impact. Fortunately, construction workers were nearby and help arrived almost immediately. They were all injured, but survived because all were wearing seat belts. It was a side impact and they came to rest hanging upside down in their seat belts. Their mother stated her belief that they would not have survival without those belts.

Tyler who is now 8 years old and his mother described their accident which was also a side impact. Tyler still bears visible scars of the accident in which he was seriously injured; in intensive care for three days and will still have to undergo further surgery. He suffered no head trauma, no spinal cord injury, no organ injury, etc, but severe lacerations from glass. He would not have survived this if he had not been wearing his seat belt. They also were fortunate the car in which they were riding did not have air bags as Tyler was sitting in the front passenger seat. His mother also described an accident in which her first cousin and her five children were all killed when they were hit by a drunk driver. None of them were wearing a seat belt.

Members discussed conferees involvement in the movement to promote use of seat belts, problems with air bags, etc. It was suggested the entire group should contact their senators and representatives while they were here today and urge passage of a strong primary seat belt law..It was further suggested they contact the House Transportation Committee. WIBW television crew was present and obtained interviews from the conferees.

Another mother, Carolyn Jenlink, spoke on the air bag matter; strongly urging people not place their

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MINUTES OF THE SENATE TRANSPORTATION & TOURISM COMMITTEE, Room 254-E  
Statehouse, at 9:05 a.m. on February 16, 1999.

children in the front seats where there are air bags. She believes they are important for adults, but very dangerous for children. Children certainly are not mature enough to decide whether or not they should wear seat belts or sit in the front seat of cars.

Senator Harrington questioned how much the legislature can do to legislate parental responsibility. She stated that law enforcement could be overwhelmed, just enforcing a primary seat belt law. Members discussed the negligent homicide case in Missouri because the air bag was not turned off and a child was killed.

Second Lt. Donald Cackler, Kansas Highway Patrol related how 16 or 17 years ago his younger brother who, while not wearing a seat belt, was involved in a roll-over accident; thrown out, and the vehicle came to rest on top of him. He was suffocated to death. Lt. Cackler personally feels very strongly about the need for enforcement of seat belt laws..

Senator Vidricksen reminded members of the Joint Senate and House Transportation Committee meeting at noon today in Room 313-S.

The meeting adjourned at 10:05 a.m.

The next regularly scheduled 9:05 a.m. meeting will be February 17, 1999.

**SENATE TRANSPORTATION & TOURISM COMMITTEE**

**GUEST LIST**

**DATE: FEBRUARY 16, 1999**

NAME	REPRESENTING
Norine Mann	ABATE of KS
KENNETH M MERRILL	ABATE OF KS
Stephanie Jensen	KS Safe Kids
Leslie Ahrens	Wichita Safe Kids
Deborah Keagy	Wichita Safe Kids
Jan Stegelma	KS SAFE KIDS
Carolyn Jenlink	Wichita SAFE KIDS
Dick Bauman	KDOT
Debbie Fleming	Federico Consulting
J. Quate Quate	Wichita Safe Kids
Tammy Zuals	Wichita Safe Kids
Tyler Harrison	Wichita safe kid
Ronda Lusk	Wichita Safe Kids
Bryan Cardwell	Legislator
Ferdous Afeni	student
Donald Cackler	K.H.P.
JOHN EICHKORN	KHP
MARK ENGHOLM	KHP
Tom Whitaker	KS MOTOR CARRIERS Assn

Ken Baker  
 Pam Scott  
 Jean Barber

Economic Lifelines  
 Kansas Funeral Directors Assn  
 KS Assn Defense Council



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American Academy of  
Pediatrics, Kansas  
Chapter

Horace Hartley  
Kansas State  
Association of Fire Chiefs

Linda J. DeCoursey  
Kansas Insurance  
Department

Anne L. Humphrey  
Kansas Hospital  
Association

Darlene Whitlock  
Kansas Emergency  
Nurses Association

Darral Lang  
Kansas State Department  
of Education

Del Meier  
Salina Chapter,  
Kansas SAFE KIDS  
Coalition

## Fact Sheet

### Senate Bill 50

The Kansas SAFE KIDS Coalition urges your support of SB 50, which promotes safety belt use in our state by making the offense a primary one. Primary seat belt use laws have been shown to be effective in increasing safety belt use. Primary enforcement sends motorists a clear message that the state considers belt use necessary for the safety of motor vehicle occupants. The end result will be fewer Kansas children injured and killed in motor vehicle crashes.

Recent usage surveys conducted by the Kansas Safety Belt Education Office indicate that 42% of Kansas children ages 4-14 are still not protected by a booster seat or seat belt. Twenty six percent (26%) of Kansas children age 0-4 are still not protected by a child safety seat. Over the last three years, 7,386 Kansas children age 0-14 were killed or injured in motor vehicle crashes. Approximately 77% of the children killed or seriously injured were not properly protected by a child safety seat or wearing a safety belt.

Studies consistently show that the best way to get children buckled up is to get adults buckled up. **When a driver buckles up, children are buckled up 87% of the time, however, when a driver is unbuckled, child belt use drops to only 24%.** A recent study reported in the journal Pediatrics found "Driver restraint use was the strongest predictor of child restraint use ... a restrained driver was three times more likely to restrain a child." Proper child restraint has become even more important now that air bags are more common in passenger vehicles. According to investigations, almost all of the children involved in auto crashes who have died of air bag related injuries were completely unrestrained, or improperly restrained in the front seat.

Many drivers just don't believe they'll be in a crash, so they don't put on their own seat belt or make sure that children are restrained. The possibility of being stopped and ticketed (i.e., primary law) is a necessary step for many drivers to properly protect children by always buckling them up.

A survey of parents who have infants shows that the lack of adult belt use particularly endangers babies; parents who don't buckle up are more likely to improperly place babies in the front seat, leaving them at serious risk of being injured or killed in a motor vehicle crash.

