

Approved: Jan. 27 2000
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:10 a.m. on January 25, 2000 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Dan Hermes, Office of Governmental Affairs
Secretary Carlson, Kansas Department of Transportation (KDOT)
Secretary Graber, Kansas Department of Health and Environment (KDHE)
David Geiger, Federal Highway Administration
Colonel Don Brownlee, Kansas Highway Patrol
Romell Cooks, National Highway Traffic Safety Administration
Rusty James, Lenexa Police Department
Jim Keating, Kansas Safe Kids Coalition
Lynn Dryer, Kansas State Nurses Asso. and Kansas Emergency Asso.
Ron Henneberg, President, Abate of Kansas, Inc.

Others attending: see attached list

The minutes of the January 20th meeting were approved on a motion by Senator Bond and seconded by Senator Goodwin. Carried.

SB 416—an act regulating traffic, concerning the use of safety belts; penalties

Proponents of **SB 416**:

Conferee Hermes stated that **SB 416** “provides for primary enforcement of seat belts, increases the fine for violation of the law and requires all occupants in a vehicle to wear safety belts.” He acknowledged the value of personal privacy but stated that there must be a trade-off between it and the value of protecting the lives of Kansas citizens. He further stated that motor vehicle crashes are the leading cause of death in the United States for children between 5 and 14 years of age and noted that these deaths could often have been prevented with the proper use of a safety belt. He cited several cases where lives were saved due to adherence to the seat belt law and one case where a citizen was killed because he failed to wear his seat belt. (attachment 1)

Conferee Carlson presented statistical data to substantiate the claim that wearing safety belts reduces injuries and fatalities in motor vehicle crashes. He summarized the benefits of enacting **SB 416** one of which includes a federally funded monetary incentive to states for their compliance in enacting and enforcing occupant protection legislation. (attachment 2)

Conferee Graeber discussed **SB 416** stating that this “primary seat belt law” would help improve the safety of citizens traveling Kansas roadways and would “assist law enforcement officers in helping to protect the public from avoidable deaths and serious injuries.” (attachment 3)

Conferee Geiger summarized the function of the Federal Highway Administration and its commitment to highway safety. He discussed the basic components of highway safety: engineering, education, and enforcement elaborating on each. He stated studies reveal that states with primary enforcement laws have a higher seat belt usage than states without this law and indicated that more lives are saved through seat belt usage. He further stated that most of the costs of injuries or deaths in traffic accidents are paid by society, noting that were these incidents reduced, Kansas could realize an estimated annual savings of \$80 million. He urged passage of **SB 416**. (attachment 4)

Conferee Brownlee stated that in over 400 Kansas traffic fatalities in 1998, greater than 50% of those killed were not wearing seat belts. He discussed **SB 416** stating that the bill "is about traffic safety, saving lives, and protecting innocent citizens" and "it is not about personal choice; it's about personal safety." He pointed out the success of seat belt legislation in other states and discussed how the passage of this bill will assist law enforcement officers in protecting Kansas citizens. ([attachment 5](#))

Conferee Cooks discussed: how seat belts save lives and reduce injuries; current seat belt use statistics for Kansas; costs of not wearing seat belts; and effects on children. She further discussed the passage of legislation in 1998 which provides incentives for states that increase their seat belt use rates stating the amount Kansas has received since that time. Her written testimony includes a copy of a NHTSA newsletter which addresses seat belt use laws. ([attachment 6](#))

Conferee James, discussing **SB 416**, reiterated previous conferees testimony with respect to statistical data, the intent of traffic laws and the benefits of this one. ([attachment 7](#))

Conferee Keating provided statistical data relating to accidents involving children and the non- use of safety restraints. He stated studies show that a restrained driver is more likely to put their child in restraints. He urged support of **SB 461** which will increase restraint usage and decrease injuries and fatalities to Kansas children. ([attachment 8](#))

Conferee Dryer provided personal testimony regarding her work as a registered nurse with accident victims. She also provided statistical data to support the argument for passage of **SB 461**. ([attachment 9](#))

Opponents of **SB 461**:

Conferee Henneberg discussed several issues proponents of **SB 461** addressed. He agreed that seat belts save lives and that drivers should continue to be educated in seat belt usage and encouraged to wear them. He stated that this can be done with the current seat belt law through continued passive coercion. He discussed the need for criminal laws to protect citizens and maintain a civil society, but reminded Committee that laws must still insure individual liberty. He called **SB 461** a law of active coercion and stated "if you can justify an infringement on a small group's liberty, for their protection, it won't be long before there is justification to limit anyone's liberty, for their own good." Regarding the issue of federal funds he argued that if the law does not pass there will be no loss, for money won't be needed to enforce a non-existent law. He stated that editorials to newspapers indicate that people support the current law and oppose changing it. ([attachment 10](#))

Written testimony opposing **SB 461** was submitted by Kenneth McNeill, Abate of Kansas. ([attachment 11](#))
Written testimony supporting the bill was submitted by Kansas Public Health Asso. ([attachment 12](#)), State Farm Insurance Co. ([attachment 13](#)), MADD ([attachment 14](#)), and Dr. Irving Cohen. ([attachment 15](#)).

The meeting adjourned at 11:08 a.m. The next scheduled meeting is 1-26.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Jan 25, 2000

NAME	REPRESENTING
Nancy Bagna	KDOT
Dean Carlson	KDOT
Rosalie Thornburgh	KDOT
Bill Watts	KDOT
Terri Roberts	KSNA
Lynne Dyer	KSNA / KENA
Judy Jacquet	League of Kansas Municipalities
Don Brownlee	KHP
Rusty James	Levee Police Dept.
Raymond Huff	State Rep
Ken Shan	Rep. David Huff
Carolyn Maddendorf	KS #110s Assn
Rick Scheibe	KDOR Vehicle
John Rohlf	Federal Highway Admin.
David R. Geiger	federal Highway Administration
Ally Finny	Kansas Public Health Association
Jennifer Crow	Jedresico Consulting
Jason Richard	KSTA
Blyde Gruber	KDHR

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: _____

NAME	REPRESENTING
HEN MENEILL	ABATE OF KS INC
John Eichkorn	KHP
Kole McCauley	
John Federico	KS Assn of Chiefs Police

STATE OF KANSAS

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OFFICE OF THE GOVERNOR

LEGISLATIVE TESTIMONY

TO: Chairman Tim Emert and Members of the Senate Committee on Judiciary

FROM: Dan Hermes, Director of Governmental Affairs

DATE: January 25, 2000

SUBJECT: SB 416

Mr. Chairman and members of the committee, thank you for the opportunity to appear today to discuss the Governor's proposal to strengthen safety belt laws in Kansas. The bill does three things: provide for primary enforcement of seat belts, increases the fine for violation of the law and requires all occupants in a vehicle to wear safety belts.

I recognize that the proposal before you is a trade-off. On the one hand is our value of personal privacy and on the other hand is our value of protecting the lives of Kansas citizens. Make no mistake; passage of this law will save lives. Motor vehicle crashes are the leading cause of death in the United States for children between the ages of 5 and 14 years old and far too often these deaths could have been prevented with the simple act of buckling up a seatbelt or properly using a child safety seat.

I could focus on the statistics that document the savings in human life and suffering that result from wearing safety belts but others that will follow my testimony will provide this information. I want to focus on the fact that behind every statistic is a life, a person and a story.

Two young children might have become statistics last January. As a sixteen-year-old driver and his ten-year-old sister entered the ramp on US 24 just north of Topeka on the way to school, the back tires hit some sand on the edge of the road. The truck started to slide out of control, turned 180 degrees, went off the side of the road and flipped over. The driver's side of the pickup was smashed and the roof of the cab was completely caved in. But because both of the children had buckled their safety belts they walked away from the devastating crash with only scrapes and bruises. They went to school the same day. The children's backpacks that were lying on the floor of the truck prior to the wreck were found later - underneath the overturned truck.

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A crash last summer claimed the life of a 45-year-old man when his truck crossed the centerline and he hit another vehicle head-on as he was traveling on a highway near McClouth. Law enforcement officials confirmed that he was not wearing a seat belt. Contrast this with the people in the other car in the wreck. The vehicle was driven by a 64-year-old Topeka man with his 15-year-old grandson as his passenger. They both were wearing their safety belts and were treated and released at a local hospital.

These examples show that the simple act of buckling up can save lives. Two young children are alive today and a man and his grandson are alive today because they fastened their safety belts. In contrast, the personal choice of another individual led to the loss of his life. This is a man who did not go home to his family that night, a child that no longer had a dad, a wife left without her husband.

The time has come for a primary safety belt law for our state. There is a value to personal privacy, but this administration places a higher value on saving lives. As the Governor said in his state of the state address, "In Kansas, the law says you must wear a seat belt. It is time to fully enforce that law."

I would be happy to respond to any questions.



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**KANSAS DEPARTMENT OF TRANSPORTATION
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Bill Graves
GOVERNOR

**TESTIMONY BEFORE
SENATE JUDICIARY COMMITTEE**

**REGARDING SENATE BILL 416
PRIMARY SAFETY BELT LAW**

January 25, 2000

Mr. Chairman and Committee Members:

Mr. Chairman and Committee Members; I am Dean Carlson, Secretary of the Department of Transportation. On behalf of the Department of Transportation, I am here today to testify on Senate Bill 416 regarding the use of safety belts.

Studies have shown that increasing occupant protection usage is one of the most effective countermeasures for reducing the risk of injuries and fatalities in motor vehicle crashes. When used properly, lap/shoulder belts reduce the risk of moderate to fatal injury by 45 to 50 percent. An adequate fine is a measure of effectiveness. Studies have also shown that in states that have primary (standard) enforcement laws, where a citation can be written whenever a law enforcement officer observes an unbelted driver or passenger, the state usage rate is generally 10 to 15 percentage points higher than states with secondary laws. In other words, strong laws providing for primary enforcement, adequate fines and protection of all occupants is a critical component of a comprehensive strategy to increasing occupant protection usage.

Approximately 2,700 occupants (age 14 and older) incurred disabling or fatal injuries in crashes on Kansas roadways during 1998. Of those individuals 2,509 were front seat occupants and 60 percent were reported not properly restrained. The remaining 186 were back seat occupants, 78 percent of which were reported not properly restrained.

Since the passage of the Kansas safety belt law in 1986, the usage rate in Kansas has climbed from 10 percent to 63 percent in 1999. Based upon calculations of the National Highway Traffic Safety Administration (NHTSA), KDOT estimates that for the past 12 years, 697 lives were saved due to that increased usage. Using NHTSA formulas, if the Kansas usage rate was equal to the national rate of 69 percent, an additional 84 fatalities and disabling injuries could be prevented.

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Experience has shown that in states where the laws are actively enforced and well-publicized seat belt use goes up. The most common fine (in 29 states) is \$20 or \$25. A NHTSA study found that a state with a \$20 fine would tend to have a use rate that is 8 percent higher than a state with a \$10 fine. A NHTSA Legislative Fact Sheet is attached, in part, which details the points covered in this testimony and is accompanied by a list of the 14 states that currently have primary enforcement laws.

The Transportation Equity Act for the 21st Century (TEA-21) created Section 405a designed as an incentive for occupant protection efforts. An incentive program is not mandatory, however is designed to encourage states to adopt certain research-based strategies. Section 405a includes six criteria; 1) a law requiring safety belt use by all occupants, 2) a law providing for primary enforcement, 3) minimum fines (of at least \$25) for safety belt and child seat use law violations, 4) a statewide special traffic enforcement program that emphasizes publicity, 5) a statewide child passenger protection education program, and 6) a child passenger protection law that requires minors (less than 16 years of age) to be properly secured. Eligibility requires compliance with four of six criteria. Kansas currently complies with two criteria. Enactment of this legislation would gain compliance with three additional criteria, bringing Kansas into compliance with five of the six criteria and positioning the state to apply under the incentive program in FFY 2001, beginning October 1, 2000.

Kansas would receive an estimated amount of \$150,000 in FFY2001 and would be eligible for funds through FFY2003, contingent in each year upon the number of states eligible for funding. National authorization levels increase from \$13 million in FFY2001 to \$20 million in FFY2003.

In summary, amending the current secondary enforcement safety belt use law to primary enforcement, increasing the fine, and protecting all occupants in the car would send a clear message to Kansas motorists that safety belt use is considered mandatory for safe travel in a motor vehicle. A primary enforcement law would elevate nonuse of safety belts to a level that law enforcement could treat the same as any other hazardous moving violation and ultimately reduce the severity of injuries and save lives. Passage of this bill also would make Kansas eligible to receive federal funds and provide continued support of occupant protection programming in the state.



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
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Clyde D. Graeber, Secretary

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**Safety Belt Usage Testimony
on SB 416**

**Presented to the
Senate Judiciary Committee**

by Secretary Clyde D. Graeber

Mr. Chairman and members of the Committee, I am pleased to appear before you today to provide testimony in support of a primary seat belt law for Kansans. We all know motor vehicle crashes are a leading cause of premature death, injury, and disability in Kansas. I personally wear my seat belt when driving on the highway but fail to do so many times when driving in town. Using seat belts is proven to save lives and reduce the severity of injuries in automotive crashes. If seat belt usage is made a primary offense in statute, you can be assured that I will be wearing one no matter where I am driving.

The 24 vehicle pileup that occurred on Sunday on Interstate 29, just North of Kansas City was caused by a sudden wintery storm that resulted in the death of 10 persons and 108 persons injured. Many deaths and injuries from these type of accidents could be avoided or reduced were all motorists and passengers wearing their seat belts.

Also, on Interstate 435, in North Kansas City, Chiefs linebacker Derrick Thomas was seriously injured in a single care accident. Thomas and another passenger were not wearing their seat belts and were thrown from the vehicle. A third passenger in the back seat of the car was wearing a seat belt and escaped with only minor injuries. The passenger that was thrown from the car was pronounced dead at the scene, while Derrick Thomas sustained a spinal cord injury in two places, fractured vertebra in the neck and upper chest, leaving him without the use of his legs.

Accidents like these can occur at any time and can have devastating results. Wearing a seat belt can greatly increase the likelihood of surviving a potentially fatal accident. Saving lives and preventing injuries are goals that are incorporated into the efforts of KDHE. I feel that this legislation will help improve the safety of the citizens of our state as they travel Kansas roadways.

The minor inconvenience of belting up is negligible compared to the value of human life. Other beneficial outcomes would include lower incidence and severity of disability and lower medical costs related to motor vehicle crashes. Making Safety Belt usage a primary offense will assist law enforcement officers in helping to protect the public from avoidable deaths and serious injuries.

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Statement to the Kansas Senate Judiciary Committee
January 25, 2000

**STATEMENT BY DAVID R. GEIGER, DIVISION ADMINISTRATOR, FEDERAL
HIGHWAY ADMINISTRATION**

Mr. Chairman, members of the Judiciary Committee, I am Dave Geiger and I am here to provide comments on behalf of the Federal Highway Administration (FHWA). The FHWA works closely with the Kansas Department of Transportation to address the transportation needs and concerns of the State of Kansas. I currently serve as the Division Administrator for the Kansas Division. I want to thank the Committee for allowing me the opportunity to address Senate Bill 416 which has the potential to have a significant positive impact on the lives of all Kansas citizens.

Highway safety is the number one priority of the Federal Highway Administration. We cannot and should not tolerate the loss of 41,000 lives each year on America's highways. These tragedies affect every State and every community in the Country. As identified in our National Strategic Plan, we are committed to continually improving highway safety. It is our objective to reduce the number of highway related fatalities and injuries by 20 percent by 2008.

There are three basic components to highway safety: engineering, education, and enforcement. Over the past several decades we have made great strides in improving highway safety through engineering. From the advent of seat belts in the 60's through side impact air bags in the 90's, automotive engineering

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has contributed greatly to improving safety. Likewise, advances in highway signing, work zone safety, geometric design, and the design of roadside appurtenances have played an important role in highway safety. While we fully anticipate that engineering solutions will continue to play an important role in highway safety, the greatest strides can be made through changing driver behavior.

Both education and enforcement address driver behavior. The Kansas Seat Belt Education Office, in cooperation with the Governor's Highway Safety Representative and the National Highway Traffic Safety Administration (NHTSA), has done an excellent job educating the public on driver safety. The increase in seat belt usage in Kansas over the last few years can be attributed to their public education campaigns. However, experience indicates that public education, by itself, does not do enough to significantly change driver behavior.

Enforcement of highway safety related laws, such as those governing seat belt usage, speed limits, and other traffic regulations, are important supplements to even the strongest of education programs. What would happen if police did not have the authority to stop a vehicle for just exceeding the speed limit? As I am sure most of you have observed, many drivers automatically check their speed when they see a patrol car. As a result, the roads are safer, for all of us.

Likewise, high visibility enforcement can be effective in increasing seat belt usage. There are primarily two reasons why motorists buckle up. One is the perceived risk of injury and the other is the perceived risk of receiving a citation. Research by the NHTSA indicates that States with primary enforcement laws, in general, have significantly higher seat belt usage rates because of the perceived importance of the law by both the traveling public and law enforcement officials.

Nationally, approximately 69 percent of vehicle occupants are buckling up. Studies show that in States with primary enforcement laws, on the average, have a 17 percent higher seat belt usage. Currently, 15 States have a primary enforcement seat belt law. States with primary enforcement laws experience about 79 percent usage compared to only 62 percent with secondary laws. In Kansas, in 1999, approximately 63 percent of vehicle occupants were buckled up.

In this Country, every 13 minutes someone is killed in a traffic crash and every nine seconds someone is injured. Traffic related injuries are the leading cause of all injury related deaths in America. What is more alarming is that traffic related injuries are the leading cause of death for children and young adults ages 6 to 27. Studies show that if parents do not buckle up, then most likely their children also will not buckle up. In 1999, seat belt usage in Kansas among passengers between the ages of 4 and 14 was only 57 percent.

Seat belts are the most effective safety devices in vehicles today. It is estimated that seat belts save 9,500 lives in this Country each year. Most crash fatalities are the result of the force of the impact or from being ejected from the vehicle. All studies show you are much more likely to survive a crash if you are buckled up. Occupants ejected are four times as likely to be killed as those who remain in the vehicle. In addition, a belted driver has a better chance of maintaining control of the vehicle in the event of a crash, protecting passengers and others on the road.

When someone is injured or dies in a traffic crash, it is society that pays most of the costs, including emergency services, uninsured medical care, tax-supported rehabilitation programs, higher insurance cost, and survivor payments.

Because unbelted crash victims are more likely to die or sustain more severe injuries, their medical treatment costs are approximately 50 percent higher than those of buckled occupants. In Kansas the reduction in fatalities and injuries equates to an estimated annual savings of \$80 million.

In 1998, the National fatality rate was 1.6 fatalities for every one-hundred-million vehicle miles of travel. The fatality rate for Kansas was 1.8. Nationally, from 1997 to 1998, traffic fatalities decreased by 1 percent. However, during this period, fatalities in Kansas went from 483 to 493, a two percent increase.

Frankly, we are losing ground in Kansas. Preliminary figures indicate that there were over 530 fatalities in Kansas last year. We need to stop this trend, now. In 1998, 60 percent of the occupants killed in fatal crashes in Kansas were not wearing, or not properly wearing, their seat belt. We expect the 1999 usage data to be very similar.

Would a primary enforcement seat belt law make a difference? The answer is yes! If involved in a crash, an unbuckled occupant is twice as likely to be severely injured or killed. Buckling up is the most effective and immediate way to save the lives of Kansans or reduce their exposure to injury from crashes. Based on 1997 data, using a 15 percent increase in belt usage, it is estimated that 45 lives would be saved and 995 injuries prevented each year, as the result of a primary enforcement law in Kansas.

Seat belts are already in the vehicles and there is no additional cost to Kansas motorists, yet the potential savings to society is significant. Highway safety is not just the Kansas Department of Transportation's responsibility; it is everyone's responsibility to make our highways as safe as possible.

On a closing note, if you've followed the news this weekend you may have noticed several unfortunate examples of the consequences of not using seat belts.

This past Sunday, in two separate single vehicle crashes near the I-70/I-470 interchange, one person was killed and three others were critically injured. All four victims were ejected

from their vehicles ... none was wearing their seat belt. Even though the vehicle involved in one of the crashes remained relatively intact and landed upright, the three ejected victims all sustained critical injuries.

Also on Sunday, Kansas City Chiefs' player Derrick Thomas sustained severe injuries and one of his passengers was fatally injured in a one-vehicle crash in Kansas City. Thomas' vehicle left an icy road and rolled-over several times, ejecting both Thomas and one of his passengers. Neither was wearing their seat belt. A third person in the back seat was wearing his seat belt and suffered only minor injuries.

Passage of Senate Bill 416 provides an opportunity to save lives and reduce serious injuries in Kansas.

I have with me copies of my statement as well as two documents produced by NHTSA that provide information on the significance of having a State primary seat belt law and Legislative History of Recent Primary State Safety Belt Laws. I am available to answer questions.

Thank you!

References: KDOT, Bureau of Traffic Safety

Standard Enforcement Saves Lives: The Case for Strong
Seat Belt Laws, NHTSA, January 1999

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**KANSAS HIGHWAY PATROL
SUMMARY OF TESTIMONY
SENATE BILL 416
JANUARY 25, 2000
SENATE JUDICIARY COMMITTEE**

Good morning Mr. Chairman and members of the committee. I am Don Brownlee, Superintendent of the Kansas Highway Patrol. I appear before you this morning to comment on Senate Bill number 416.

KDOT statistics show that in 1998, 409 occupants of passenger vehicles were killed in motor vehicle traffic crashes on Kansas roadways. Tragically, 262 of these people were not wearing a safety belt at the time of their crash and it was unknown whether another 43 of these fatalities were wearing one or not.

Senate Bill 416 seeks to allow law enforcement officers the authority to stop motorists and take appropriate enforcement action when a safety belt violation is observed. Under current law, police officers in Kansas can only take enforcement action on safety belt violations if the officer first observes a separate violation such as improper lane change or speeding. The secondary enforcement restrictions in current law significantly hinders the ability of law enforcement to effectively encourage the widespread use of safety belts through proactive enforcement.

This bill is about traffic safety, saving lives, and protecting innocent citizens. The success of this seat belt legislation has already been proven in other states. As of June, 1999, fourteen states have passed a primary seat belt law. The average usage rate of seat belts in those states rose by 15% following the implementation of a primary seat belt law. In 1998, potentially, 305 people in Kansas may have had a second chance at life had they buckled up.

This law is not about personal choice. Its about personal safety. If government intervention is so faulty, then why do we have laws to protect highway users. I don't believe legislators think you shouldn't pass new laws because they might infringe on personal rights. You consistently pass laws to protect the citizens of Kansas and this bill is no exception. If you truly believed that government should not intervene in traffic safety we wouldn't have a law that required drivers to operate within a certain speed. We wouldn't have a law that required drivers to stop at certain intersections. Our statutes are full of laws to protect people because we all know there are some people who aren't always concerned with how their actions effect other lives and its sometimes necessary to get their attention.

You may be thinking that this law doesn't effect other people, or that it only effects the person who chooses not to wear their safety belt. That's a myth. The severity of injuries pose a huge financial impact on all of us in the cost of insurance and medical services. Safety belts also help keep a driver behind the wheel of a car. If drivers have to take extreme corrective actions to control their vehicle their chances of recovering from that action are greatly diminished if they

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can't stay behind the controls of the vehicle.

Troopers have seen the unnecessary injuries and deaths associated with the failure of people to buckle up. Many of these experiences will live forever in the minds of these officers.

Approximately 22 years ago I investigated a fatality accident. A car slowed on the interstate to turn through the median. Another car, which had been following, crashed into the rear of the first. A passenger in one of these cars died. She had been riding in the car without a seat belt and was holding her baby daughter on her lap when this crash occurred. Miraculously, the baby was not injured, but her mother, died. The day of that crash was this baby's first birthday.

Birthdays are a joyous time in a person's life. Can you imagine spending a lifetime not being able to celebrate your birthday, because every time it comes around your only thought is this is the day my mother died. Think about how it must be for that child to actually have to live it. This is just one example of a lifetime scar left on an innocent victim because someone chose not to wear a safety belt.

When I hear the concern that this just gives law enforcement officers another reason to stop people. It really saddens me that we have citizens that feel that way about Kansas law enforcement. Our job is to protect the citizens of Kansas not harass them. If there is no violation of a law there is no reason for an officer to stop someone. Our job is the protection of life and property. You pass laws and we enforce them because of our concern to protect the citizens of Kansas and that is all this law is really about.

Saving lives.

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**TESTIMONY BY ROMELL COOKS
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
BEFORE THE KANSAS SENATE JUDICIARY COMMITTEE
ON THE MERITS OF A PRIMARY BELT LAW**

January 25, 2000

I would like to thank Dean Carlson, Kansas Secretary of Transportation, for inviting me to testify today. My name is Romell Cooks and I am the Region VII Administrator with the National Highway Traffic Safety Administration (NHTSA), an agency of the U.S. Department of Transportation. Our goal at NHTSA is to reduce the annual toll of some 41,000 deaths, 3,000,000 injuries and \$150 billion in societal costs due to motor vehicle crashes to target and to enable States and local communities to solve their unique traffic safety problems.

As the NHTSA regional administrator, my job is to assist you and other leaders in the State to reduce the number of deaths and injuries that motor vehicle crashes cause on Kansas highways. I want to share with you some facts that bear directly on your consideration of the legislation before the committee:

First, let's discuss how seat belts save lives and reduce injuries:

- Seat belts reduce the risk of death to front seat passenger car occupants by 45 percent and the risk of moderate to critical injury by 50 percent. For light truck occupants, seat belts reduce the risk of death by 60 percent and moderate to critical injury by 65 percent.
- In Kansas for 1997, less than two out of five fatally injured people were wearing seat belts.

Then, let's talk about the current belt use statistics for Kansas:

- In 1998, the seat belt use rate observed in Kansas was 58.7 percent, compared to 68.7 percent nationally.

And, how a primary belt law would effect this rate:

- The average seat belt use rate in States with standard enforcement laws is 17 percentage points higher than in states with secondary enforcement laws.

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- During the first full year after enforcement of the belt laws 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.

Next, I want to address the costs of not wearing seat belts:

- In-patient hospital costs for crash victims who do not wear seat belts are 55 percent higher than for those who are belted. Public revenues pay for an estimated 24 percent of medical costs of people injured in motor vehicle crashes. Two-thirds come from Medicaid and one third from Medicare.
- Based on NHTSA estimates using 1998 crash and economic data, if Kansas were to increase its current use rate to 75 percent, a total savings of more than \$80 million could result. (Cost categories included are medical costs, EMS, vocational rehabilitation, market productivity, household productivity, insurance administration, workplace costs, legal/court costs, and premature funeral costs.)

Finally, we must not forget the effect on our children:

- Research shows that when a driver is unbuckled, 70 percent of the time the children in that vehicle are not buckled either.

The U.S. Congress feels so strongly about the use of seat belts that in the Transportation Equity Act for the 21st Century, passed in 1998, they provided incentives to States that increase their seat belt use rates. Statistics show that if seat belt use increases, federal funds for medical care decrease. Congress decided the States that show an increase in seat belt use should derive some of those benefits. They established a formula to reward States that increase seat belt use. Kansas received \$199,200 in 1999 and \$266,900 in 2000 because their seat belt use increased in 1997 and 1998.

Data indicate that passing a primary seat belt law would increase the Kansas use rate, ultimately saving lives AND increasing the likelihood that Kansas would again receive federal incentive funds.

Thank you again for inviting NHTSA to testify. I hope the information I have provided is helpful. I would be glad to answer any questions.

Sources: Standard Enforcement Saves Lives: The Case for Strong Seat Belt Laws,
 NHTSA, January 1999 (copies provided to Committee)
 Traffic Safety Facts 1998, NHTSA (copies provided to Committee)

STATE LEGISLATIVE FACT SHEETS

CONTENTS

- [Make All Belt Use Laws Subject to Primary Enforcement](#)
- [Protect All Vehicle Occupants in All Passenger Vehicles](#)
- [Emphasize Enforcement and Levy Significant Fines](#)
- [Conduct Combined Public Awareness and Enforcement Campaigns](#)
- [Recommendations from the Presidential Initiative for Increasing Seat Belt Use](#)
- [Urge Parents to Carry Children in the Rear Seat](#)

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U.S. Department of Transportation
National Highway Traffic Safety
Administration



Strengthening Seat Belt Use Laws— Increase Belt Use, Decrease Fatalities and Injuries

March 1999

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.

Make All Belt Use Laws Subject to Primary Enforcement

Definitions:

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

- A July 1997 poll of registered voters by Public Opinion Strategies found overwhelming public support for standard (primary) seat belt use laws across demographic groups:
 - 61 percent of respondents favored primary enforcement of seat belt laws (up from 52 percent just four months earlier).
 - 68 percent of African-American respondents favored primary enforcement of seat belt laws.
- The Presidential Initiative for Increasing Seat Belt Use Nationwide recommends states enact strong legislation by adopting primary seat belt laws and closing the gaps in child passenger safety laws. The other strategies in the four-point plan include building public-private partnerships; embracing active,

high-visibility enforcement; and conducting well-coordinated, effective public education.

- As of July 1998, 14 states and the District of Columbia have primary laws in effect. Thirty-six states have secondary enforcement laws and one state has no seat belt use law.
- In 1997, states with primary belt laws averaged 17 percentage points higher belt use than those with secondary laws (78 versus 63 percent).
- 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. As of December 1998, California's belt use rate for all passenger motor vehicles has risen to 88.6 percent.
- In attitude surveys, officers consistently preferred primary laws and report that a secondary enforcement law is a major deterrent to issuing citations.

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. To avoid excessive risk, passengers should ride only in seating areas equipped with seat belts.

Emphasize Enforcement and Levy Significant

Fines

- Experience shows that belt use goes up when seat belt laws are actively enforced. In Elmira, New York, a well-publicized, two-wave enforcement effort from 1985-86 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. 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 effectiveness. A 1995 NHTSA study of the effect of various provisions of seat belt use laws found that for each \$1 in fine level, states tend to gain about 0.08 percent higher belt use. That is, a state with a \$20 fine would tend to have a use rate that is 8 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 of respondents 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 seat 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.

New National Goals from the Presidential

**STATE HIGHWAY SAFETY LAWS
ENFORCEMENT PROVISIONS OF SAFETY BELT USE**

June 30, 1999

PRIMARY ENFORCEMENT		SECONDARY ENFORCEMENT	
California	1/1/93	Arizona	1/1/91
Connecticut	1/1/86	Arkansas	7/15/91
Georgia	7/1/96	Alabama	7/15/92
Hawaii	12/16/85	Alaska	9/12/90
Iowa	7/1/86	Colorado	7/1/87
Indiana	7/1/98	Delaware	1/1/92
Louisiana	9/1/95	Florida	7/1/86
Maryland	10/1/97	Idaho	7/1/86
New Mexico	1/1/86	Illinois	7/1/85
New York	12/1/84	Kansas	7/1/86
North Carolina	10/1/85	Kentucky	7/13/94
Oklahoma	11/1/97	Maine	12/27/95
Oregon	12/7/90	Massachusetts	2/1/94
Texas	9/1/85	Michigan	7/1/85
*Puerto Rico	1/19/75	Minnesota	8/1/86
*District of Columbia	10/9/97	Mississippi	3/20/90
*American Samoa	1/1/89	Missouri	9/28/85
*Guam	11/20/86	Montana	10/1/87
*Marianas	4/20/90	Nebraska	1/1/93
*Virgin Island	10/1/91	Nevada	7/1/87
Total : 14 States plus* Puerto Rico, District of Columbia		New Jersey	3/1/85
American Samoa, Guam, Marianas, and Virgin Islands		North Dakota	7/14/94
		Total: 35 States	

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.

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Sgt. Rusty James
Traffic Safety Unit
Lenexa Police Department
12500 W. 87th Parkway
Lenexa, Kansas 66215
Phone: (913) 477-7300

I am here today to represent law enforcement in the Kansas City Metro area. I represent a group known as Operation Impact. Operation Impact is a cooperative, multi-jurisdictional, group of law enforcement agencies throughout the Kansas City Metro area. I am here as a representative of those agencies, and of the police officers involved in Operation Impact. The officers involved in Operation Impact spend a considerable amount of time educating the motoring public about the importance of using seat belts, and child safety seats.

I did not bring a considerable number of statistics to present to you today. There are several statistics that must be presented, however. The State of Kansas currently has a secondary seat belt law. I am here to ask for your support for a primary seat belt law. With the current law, the State is sending the wrong message to motorists. The message is 'we want you to wear seat belts, but we are not going to enforce the law'. And, the current \$10.00 fine is inadequate to change the attitude of motorists. It appears that the State does not care if motorists comply. In order for law enforcement officers to enforce the current seat belt law, the driver must be violating another law, or must be involved in an accident. It is too late at that point to begin enforcing the law. The idea behind all traffic laws should be to change driving behavior. It would be preferred that we change this behavior before other violations, or an accident, occurs. This should be an educational process for all drivers from the time that they begin driving.

In states where a primary seat belt law is in place, there is an almost immediate 10% to 15% increase in the usage rate. The current usage rate in Kansas is 63%. That would put the usage rate in Kansas at 73% to 78% with the passage of a primary seat belt law. This would mean a drastic decrease in the number of fatalities, and the number of serious injuries.

Often, in the course of our work, we are confronted with comments such as "it should be my choice whether or not I wear a seat belt". Other comments such as "you are taking away my freedom" are also heard. These drivers may choose not to wear a seat belt. Few, if any, of these drivers would choose to become involved in an accident. These drivers are also the ones that don't insist that their passengers use seat belts, either. When these drivers choose not to comply with the law and wear a seat belt, they may very well be making a choice for you and I. In crashes where people are injured, or killed, the costs of these crashes are always passed along to all of us. These costs will come in the forms of medical costs, financial support, and certainly in the form of increased insurance rates. As you can see, these choices can have a dramatic impact on all of us.

Sgt. James
1-25-00
att 7

I have been a believer in seat belt use for many years. I have been involved in two serious accidents where seat belts saved me from serious injury. In one of these accidents, the seat belt saved me from being ejected. I always use the seat belts, and I try to educate others in the value of seat belts. In November of 1998 the issue of seat belts became very personal to me. I investigated an accident that has forever changed my life. The driver in the accident was one of my son's best friends. My son was supposed to be in that car. Had it not been for a scheduling problem, he would have been. During the investigation of this accident, I had the unpleasant duty of telling the boy's mother that he would not be coming home. I also had the duty of telling my son, and others. Despite the violent collision, I believe that the driver would have survived had he been wearing a seat belt. In over 23 years in law enforcement I have had to make notifications such as this many times. This one was so personal, and so unnecessary.

There have been suggestions that the police would abuse their powers in enforcing a primary seat belt law. That we would use this law as an excuse to stop people. Nothing could be further from the truth. The primary seat belt law would allow the officers to stop drivers for not complying with the law. And, this stop could be made before they committed another violation or became involved in an accident. There are other traffic laws that are enforced daily across this country that have much less significance than the primary seat belt law. Officers can stop vehicles for not having a license plate light. No one has ever been injured or killed because they did not have a license plate light. But, we cannot stop someone because they are not wearing a seat belt. It has been overwhelmingly proven that seat belts save lives. The only people that will be stopped by the police are those who are violating the law. That is not an abuse of power. This is no different than the enforcement of other traffic laws.

I am speaking to you today not as an administrator, but as a law enforcement officer who is involved in the daily enforcement of traffic laws, and the investigation of accidents. These accidents in which people are injured or killed take a toll on the officers. In the City of Lenexa, our fatality accident rate has increased dramatically in the last 18 months. In all of the fatality accidents that we have investigated, the victims were unrestrained in the vehicle. Every one. Two of these accidents involved the death of children. In those two accidents, the driver of the vehicle survived. The drivers were restrained by seat belts. The children were unrestrained. The accidents are going to continue. The volume of traffic on our roads continues to increase. The speed limit on the highways has increased. More traffic, higher speeds, and more accidents. The faster the vehicles travel, the less control the driver has over them. The only thing that we can hope is that more people will wear seat belts.

Nationwide, polls have shown that the public supports a primary seat belt law. This type of law is also supported by law enforcement, nationwide. Most people do not intentionally violate the law. It has been shown that the majority of the people will buckle up, if the law is in place.

On Sunday, in Kansas City, there was an accident involving Derrick Thomas of the Kansas City Chiefs. This was a one-vehicle accident on the interstate highway. Derrick and one of his passengers were ejected from the vehicle. The passenger died, and Derrick has spinal damage. Another passenger in the vehicle was wearing a seat belt. He suffered only minor injuries. Probably all of you have seen this on television, or read about it in the newspaper. This accident was not all that severe considering the damage to the vehicle. The vehicle overturned more than once. It most certainly was a survivable accident. However, because they were not wearing seat belts, one person died, and the other probably will be permanently disabled. Derrick certainly won't play football again. Such a tragedy.

I am here to ask for your support for a primary seat belt law for the State of Kansas. This would allow law enforcement officers to educate the public and enforce the law. By passing this law, Kansas should see an almost immediate increase in the seat belt usage rate. This would result in a reduction in the number of injuries and deaths as a result of crashes. I would also ask that jurisdictions be allowed to set the fine as they do for other traffic violations. The current \$10.00 fine is not a deterrent.

In closing, the time is now to send a message to all Kansans that we care about them. That it is important to us that they Buckle Up. Please help us by supporting the passage of a primary seat belt law for the State of Kansas.



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James Keating
*Kansas State
Association of Fire Chiefs*

Barbara D. Mitchell
*Brain Injury Association of
Kansas and Greater Kansas City*

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att 8
January 25, 2000

Testimony Presented to the Senate Judiciary Committee

Senate Bill 416

I am pleased to provide testimony today on behalf of the Kansas SAFE KIDS Coalition - a nonprofit organization composed of more than 60 statewide businesses and organizations that have joined together to protect Kansas children from the number one killer of Kansas kids - unintentional injury. Our Coalition is not only an organization, we're parents, grandparents, aunts and uncles who want to protect our children. The Kansas SAFE KIDS Coalition supports Senate Bill 416, which promotes safety belt use in our state by making the offense a primary one. While our Coalition is concerned about the safety of all Kansas Citizens, our primary mission is to prevent unintentional injuries in children.

Although Kansas currently has a primary child passenger safety law, recent observational usage surveys indicate that 43% of Kansas children ages 4-14 are still not protected by a booster seat or seat belt. Nineteen percent (19%) of Kansas children age 0-4 are still not protected by a child safety seat. Over the last three years, 8876 Kansas children age 0-14 were killed or injured in motor vehicle crashes. Approximately 71% 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. According to observational data, 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 of 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.



**Kansas SAFE KIDS Coalition
Testimony SB 416 - Page two**

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.

In addition to the tremendous personal toll when a child is killed or injured, research has shown that 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.

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.

In summary, the Coalition urges your support of SB 461. We feel that making the current safety belt law a primary law will increase safety belt use by adults, teens and children. The end result will be fewer Kansas children injured and killed in motor vehicle crashes.

Testimony Presented by:

Jim Keating
Chair, Executive Committee
Kansas SAFE KIDS Coalition
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*Kansas State
Association of Fire Chiefs*

Barbara D. Mitchell
*Brain Injury Association of
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Kansas SAFE KIDS Coalition Member Organizations

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





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the Voice of Nursing in Kansas

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Emma Doherty, M.A., R.N.
President

Terri Roberts, J.D., R.N.
Executive Director
For More Information Contact:
Terri Roberts J.D., R.N.
Kansas State Nurses Association

January 25, 2000

S.B. 416 Seat Belt Usage as a Primary Offense

Senator Emert and members of the Senate Judiciary Committee, my name is Lynne Dryer and I am a advanced registered nurse practitioner here representing the KANSAS STATE NURSES ASSOCIATION and KANSAS EMERGENCY NURSES ASSOCIATION. For the past fifteen years I have worked in the field of emergency nursing, and for five of those years was a Life Star nurse, often working with accident and trauma victims from isolated and rural areas of our state.

Both the KANSAS STATE NURSES ASSOCIATION and EMERGENCY NURSES ASSOCIATION support S.B. 416 which makes non-seat belt usage a "primary offense" in our state. We believe that the statistics are undisputed that increasing safety belt usage decreases health care costs and lost productivity due to injury. Wearing safety 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.

Registered nurses, unfortunately, most often work with victims of accidents that were not restrained by safety belts. Each serious injury prevented by belt usage saves approximately \$35,000 in health care costs, and as you know, vehicle crashes place significant demands on America's health care system, from emergency room services to long-term care and rehabilitation. Accident costs skyrocket when vehicle occupants are not wearing safety belts because unbelted crash victims sustain more severe injuries and more fatalities than belted victims.

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

Constituent of The American Nurses Association

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- Belted victims average 60 to 80 percent lower hospital costs than unbelted victims, and in 1990, Americans had to pay \$11.4 billion in taxes to cover crash costs---\$3.7 billion for health care, \$6.1 billion for lost taxes and \$1.6 billion for public assistance.
- In 1991 in Arizona, hospital costs for injury patients who had worn safety belts totaled \$15 million, and the cost for unbelted patients was \$58 million.
- Additionally, a study at four Chicago area hospitals found that emergency room and hospital costs for victims of automobile accidents who hadn't worn their seat belts were *three times* as great as those for people who had buckled up.

The pain, permanent injury and death that accompany traffic accidents is often unnecessary and avoidable, if only the victim had been wearing their seat belt. Data clearly reveal that safety belts, when worn by people involved in serious accidents, reduces the probability of death and injury by 40-55%. For the citizens of Kansas, please support this legislation and move towards preventing permanent injury and death with a strengthened primary offense seat belt law. The registered nurses of Kansas support this Governor's initiative and encourage passage of it.

Thank You.

Lynne Dryer ARNP, M.S.N., C.E.N.
Acute Care Nurse Practitioner
H: 785.271.9368
W: 785.575.5193 (Pager)

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TESTIMONY ON S 416

RON HENNEBERG
PRESIDENT
ABATE OF KS. INC



Mr. Chairman Members of the Committee

My name is Ron Henneberg and I am here to testify against S416 a bill to make the existing secondary seat belt law a primary offense thereby allowing law enforcement officers to stop and ticket drivers for not wearing seat belts.

No one denies that seat belts save lives and reduce injuries, and we should tell people that. We should teach our youth that it is the wisest course to buckle up.

What we should not do is force adults who are fully aware of the chances they are taking to wear seat belts through active coercion. At this time it is the law that you must wear your seat belts while driving, it's the law but it is passive persuasion that seeks to educate and persuade people that it is in their best interest to wear them. As the older generation slowly adapts to this, the younger generation has never know anything else and seat belt use continues to go up. Although it isn't happening as fast as some would like. In their impatience to do what they view as a greater good they are willing to use the full force of the law to coerce people to behave the way they think is best.

Some of you will say that all laws are based on this, but they are mistaken, at least in this country, where laws are supposed insure the greatest amount of liberty to the individual while maintaining a civil society. The public obeys best those laws that they know are necessary to protect themselves and others from criminal's ,who obey only their own wishes, and those laws which they realize are necessary to operate a well ordered society . Even when they are complaining about those speeding tickets or failure to come to a complete stop tickets. They cry and they snivel then they go to court, plead guilty, pay their fines and go on about their lives because they know in their hearts they were in the wrong and these laws are necessary to protect them from others not themselves.

People who don't wear seat belts admit they should and force their children to buckle up, people who wear them try to convince others of the benefits of wearing them. They mostly agree on something else too, that it is not right for the government to be able to stop, ticket and annoy those who chose not to wear them. The citizen's are learning what we learned the hard way,if you can justify an infringement of a small groups liberty, for their protection, it won't be long before there is justification to limit anyone's liberty, for their on good of course.

The Governor says we can get money from the Feds if you pass this bill and that is true, we can get money to enforce the law this bill creates and make sure people are obeying this law. If you vote against this bill you will not lose anything because you won't need the money to enforce the law.

Except for the Kansas City Star you can't find an editorial supporting this change. Maybe one out of fifty letters to the editor supports it. Maybe ten percent of the people calling radio shows support it. The people aren't asking you to repeal the existing law because they support it, as it is.They support child restraint laws, they support laws that make teenager's buckled up and they even support everyone wearing seat belts but they strongly oppose this change.

Some will say but insurance rates will go down, every state in the country has passed laws that will reduce insurance rates. How many across the board insurance rate drops have you ever saw after passing a bill that would lower insurance rates.

I thank you for your time and ask that you vote no, on s416. I stand for questions if any.

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TESTIMONY ON
SB 416
KENNETH R MCNEILL
ABATE OF KANSAS

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE

My name is Ken McNeill and am a lobbyist for ABATE OF KS.

I'm not here to argue the facts for a change since I agree that the vast majority of time's seat belts do reduce the chance of being killed, nor the reduction of injuries brought about by increased seat belt use.

I am not even here to claim you are trying to take away one of my freedoms.

No government can take away anyone's freedom, it can only be given away by the one who has it.

You give up your freedom when you allow another to make decisions for you. When you let someone, an individual or a Government body decide what is in your best interests or what's good or bad for you.

However, the only way to be completely free is to want nothing nor have anything. So each person give's up bits and pieces of freedom each thing you acquire or value something wheather that is possessions, love for friends, family, or a dream.

A Year and a half ago I exercised my freedom of choice by breaking the law and not wearing a seat belt.

Because I used my judgement and not the government's. I can stand here and testify.

If I had done as the legislature had decided was best for me I would be dead. Only because I wasn't wearing a seat belt, several miracles, high dollar machines, damn good Doctors did I survive the accident and the two times I did die in the hospital and against the odds walk..

No you can't take my freedom away, But you have the power to take away my liberty to make this decision myself with out being stopped every time I pass a police officer. Liberty in the ability to exercise my freedom without the cost being made unnecessarily and unreasonably high by people who feel they are better qualified to make decisions for me than I am.

You do exactly that with this bill. As it is now I can chose to wear or not wear my seat belt because as long as I am obeying the traffic laws that are necessary to insure the safety of the public as a whole the police can't stop me for using my own judgement about my personal safety.

Under this bill I'm told Big Brother is better suited to do this than I am.

Yet you aren't willing to accept the responsibility for deaths or injures caused by being forced to wear a seat belt.

Those of you who support this bill would say nothing is effective all the time and these minute number of exception's are more than made up for by the number of those saved.

I'm a veteran of the army I enlisted in the late 60's during the Viet Nam war I was well aware of the risks in enlisting during a war that was killing large numbers of America soldiers every day. I did it any way because I felt it was worth some risk to serve in the military. I am just as aware of the risks of not wearing a seat belt. We have a military to preserve the liberty of our country. I ask you to preserve my liberty to make my own decision about when and when not to wear a seat a belt.

I ask you to vote no on SB416, thank for you time and I'll answer any question you may have.

In Jud
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att 11

**KANSAS
PUBLIC
HEALTH
ASSOCIATION, INC.**

KANSAS PUBLIC HEALTH ASSOCIATION, INC.

AFFILIATED WITH THE AMERICAN PUBLIC HEALTH ASSOCIATION

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3/2/00
See as written
att 12

Testimony presented by
Sally Finney, M.Ed.
Executive Director
Tuesday, January 25, 2000

Senator Emert, members of the committee, I am here today on behalf of the Kansas Public Health Association to ask your support of Senate Bill 416.

Despite what you may hear from its opponents, this bill is about public safety – period. Our society decided long ago that, when it comes to safety, society's needs take precedence. I do not have the right to choose to hit another person because I feel like it or to run a stop sign because I was in the mood to do so. In fact, the matter of whether or not I have a right to choose to endanger myself and my passengers was resolved during the 1986 and 1989 sessions of the Kansas Legislature when this states' elected leaders stood up and made the use of safety restraints in family passenger vehicles the law. The matter before you today is whether or not you now will stand up and allow our law enforcement professionals to enforce the law. For as with any law, without enforcement, the law is all but meaningless.

The evidence on the benefits of safety belts is compelling and overwhelming. Safety belts save lives and prevent injury, and I could fill this hearing room with the volumes of data compiled over the last few decades proving this. Rather, I would like to focus on a few of the key reasons the public health community supports SB 416.

1. **Primary safety belt laws are important for protecting children because they increase usage.** According to the National Highway Traffic Safety Administration (NHTSA), safety belt usage has increased by 17 percent in states that have enacted primary safety belt enforcement laws. NHTSA also reports that for states that have a primary safety belt law, the fatality rate for occupants under the age of 21 years has dropped an average of 23 percent. This compares to only an 8 percent decline in states with only secondary enforcement.
2. **A primary safety belt law would save Kansas million of dollars.** NHTSA estimates that the increased utilization that would likely result from a primary safety belt law would have prevented 45 Kansas deaths at a savings and 995 injuries in 1997 resulting in a total savings of more than \$69 million annually (\$38.4 million from deaths and \$31 million from injuries). Surely there are other needs for which these funds could be used.

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3. **Children are more likely to be protected by safety belts when the driver uses them.**

NHTSA studies show that if a driver is wearing his or her safety belts, the proportion of toddlers wearing them 86 percent. This plummets to 24 percent for children riding with an unrestrained driver.

We ask you to help save the lives of Kansans by recommending SB 416 favorably for passage.

MEMORANDUM

*Written
1-25
SS
att 13*

TO: Senator Tim Emert
Senate Judiciary Committee

FROM: William W. Sneed
State Farm Insurance Companies

DATE: January 25, 2000

RE: SB 416

Mr. Chairman, members of the committee, my name is Bill Sneed and I appear today on behalf of the State Farm Insurance Companies. State Farm is the largest auto insurer in Kansas. We appreciate the opportunity to appear in support of SB 416, which creates a primary enforcement mechanism for the seat belt law located at K.S.A. 8-2503.

Kansas law currently requires that front seat passengers wear a seat belt in a moving vehicle. Seat belts are the most effective means of reducing fatalities and serious injuries when traffic crashes occur. Seat belts save an estimated 9,500 lives in America each year. Research shows that seat belts, when used properly, reduce the risk of fatal injury to front seat passengers by 45 percent and the risk of moderate to critical injury by 50 percent.

Each year, traffic crashes in America claim approximately 41,000 lives and cost Americans \$150 million in economic terms, including \$17 billion in medical and emergency expenses, lost productivity, and property loss. They are the leading cause of on-the-job fatalities and the third leading cause of death for all Americans; only cancer and heart attacks claim more lives. However, far more people are injured and survive motor vehicle crashes than die in these

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crashes. In 1995, while almost 41,800 people were killed in traffic crashes, more than 3.4 million injuries were documented in police-reported crashes.

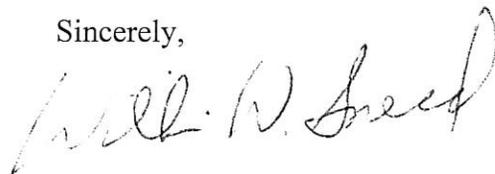
The cost of personal pain and suffering, the loss of a loved one, and serious injury to a family member cannot be measured. However, it is uncontroverted that every person in America also bears the economic costs of motor vehicle crashes. These include the costs of emergency response providers, higher medical and insurance costs, and lost productivity. When motorists and passengers do not wear seat belts, these costs increase considerably because the injuries are more serious. The combined costs to government, health care systems, business, and individuals make this an issue of universal importance.

Thirteen states, Puerto Rico and the District of Columbia have primary enforcement laws. In each of these states, seat belt usage has increased as a result of primary enforcement. Georgia is a dramatic example. Prior to the enactment of a primary enforcement mechanism in July 1996, seat belt usage rested at 51 percent. In a matter of five months, usage had climbed to 63 percent. In the next year and a half, usage climbed to 76 percent.

Primary enforcement has been shown to increase seat belt usage, which not only saves lives, but curtails to some degree the economic impact of belted crashes. For these reasons, we urge your favorable consideration of SB 416.

We appreciate this opportunity to appear on behalf of SB 416. Please do not hesitate to contact me if you have questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Sneed". The signature is written in a cursive, slightly slanted style.

William W. Sneed



Mothers Against Drunk Driving

3601 SW 29th Street • Topeka, KS 66614 • (785) 271-7525 • Fax (785) 271-0797 • 1 (800) 228-6233

KANSAS STATE OFFICE

January 24, 2000

Senator Tim Emert, Chairman
Senate Judiciary Committee
State Capital, Room 356 E
Topeka, Kansas 66612

Dear Senator Emert and Committee Members:

Kansas MADD advocates increased use of occupant protection for all motor vehicle drivers and passengers and recognizes the need for publicized and enforced safety belt and child seat laws as a major defense against alcohol and other drug-impaired drivers. Kansas MADD supports Senate Bill 416.

Alcohol is a major causal factor in fatal and serious injury crashes, but the failure to wear safety belts is also a major contributor to fatalities, both alcohol-related and non-alcohol related. When properly worn, safety belts provide the most effective means for reducing the injuries and deaths that result from DUI crashes. They reduce the likelihood of death and injury by 40 to 55 percent. Still, most persons killed in automobile crashes each year, whether alcohol-related or not, are not wearing their safety belts.

Drinking drivers and others, such as young persons who are on the roadways during nighttime hours when the risk of an alcohol-related crash is at its highest, are even less likely to wear safety belts. Young drivers have the highest fatal-crash involvement rate of any age group, about twice the risk of the total population. Yet, according to a national survey (NHTSA) in 1994, the safety belt usage rate for persons 16 to 24 years of age was about 53 percent.

In addition to differences in belt use by age, surveys consistently indicate differences by vehicle type and geographical area. Belt use in light trucks is typically 10 to 15 percentage points lower than in passenger cars. Use in urban areas is usually about 10 points lower than in the suburbs, but not as low as in rural areas.

A 1994 national observational survey found that just 43 percent of rural truck drivers were buckled up.

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Kansas MADD asks your support in saving lives by supporting Senate Bill 416.

Sincerely,

Dee Meyer

Dee Meyer
State Chairperson
Kansas MADD

FACTS YOU SHOULD KNOW

1,459 INDIVIDUALS AGES 14-20 WERE INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998.

*530 (36%) of those individuals involved were drinking drivers.

*439 (30%) of those individuals involved were passengers riding with a drinking driver.

*490 (34%) of those individuals involved were non-drinking drivers and passengers.

Sixty-six percent (66%) of all individuals ages 14-20 involved in an alcohol-related crash were either the drinking driver or a passenger in a drinking driver's vehicle.

DRINKING DRIVERS AGES 14-20 INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998.

*530 Drinking drivers involved.

*13 Drinking drivers killed.

*248 Drinking drivers injured.

PASSENGERS AGES 14-20 INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998 WHILE RIDING WITH A DRINKING DRIVER.

*439 Passengers involved

*2 Passengers killed

*184 Passengers injured

NON-DRINKING DRIVERS AND PASSENGERS AGES 14-20 INVOLVED IN AN ALCOHOL-RELATED CRASH IN KANSAS DURING 1998.

*490 Drivers and passengers involved

*3 Drivers and passengers killed.

*122 Drivers and passengers injured.

Source: KDOT, State of Kansas Alcohol Involvement in Motor Vehicle Accidents,
1990-1998
Kansas MADD 1/17/00

White
5/25/00
1/25/00

Irving A. Cohen, M.D., M.P.H.

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Fellow of the American College of Preventive Medicine

Fellow of the American Society of Addiction Medicine

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Chair, Preventive Medicine Committee of the American Society of Addiction Medicine

Testimony before Senate Judiciary Committee on Senate bill 416

I come before you today with significant credentials in injury and disease prevention. Yet, what I have to say today is about common knowledge and common sense. I ask you to use them.

In the early 1960's, when I was in the military, we were required to install and use seat belts. Cars did not come equipped with them in those days. Most of us were young and many of us were prone to do things that resulted in vehicle accidents. We recognized that the military wanted to prevent needless injury and death. We accepted this ruling without warning or crying about intrusion on our personal lives. The penalties for disobedience were much harsher than that imposed by this proposed bill but the resulting reduction in injury and death was well worth this.

How ironic, that nearly 40 years later, civilian laws still do not have any enforcement mechanism for this. When we served in the military, and were protecting the rights and freedoms of all Americans, we did not look upon seat belt use as un-American. Yet, today we hear a small group whining about mandatory seat belt use as an intrusion upon their personal liberties.

Today, the newspaper carries stories about a respected football player permanently crippled, an elderly man killed and a family of a mother and two small children in critical condition. According to those reports, all of these might have been averted with seat belt use.

Often, your job in the legislature has to do with difficult choices. Today, your job is easy. This is a no-brainer. Please, pass this bill for the benefit of all.

In Jud
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