MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hazylett at 1:35 p.m. on February 14, 2001 in Room 519-S of the Capitol.

All members were present except:

Representative Andrew Howell, excused Representative Joe Humerickhouse, excused

Committee staff present:

Bruce Kinzie, Revisor Hank Avila, Research Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Representative Troy Findley Steve Rarrick, Deputy Attorney General, Consumer Protection Missy J. Baer Don McNeeley, Kansas Automobile Dealers

Others attending:

See attached sheet

HB 2145 - warranties on safety belts, federal standards

Representative Troy Findley gave the background for this bill being introduced at the request of one of his constituents, who will testify later. He said **HB 2145** seeks to accomplish the objective of guaranteeing that the motor of the safety belt assembly is covered in Kansas law by adopting federal regulation 209 and also the adoption of federal regulation 210 which covers the safety belt anchoring. (Attachment 1)

Steve Rarrich, Deputy Attorney General, Consumer Protection Division, next spoke in support of <u>HB 2145</u>. He told the committee the federal standard referenced in the current law was the applicable federal standard in 1986. This bill would incorporate the current federal standards applying to modern seat belt systems, which include motorized seat belt components. He recommended an amendment which would add "and all components, including motorized components" to line 19 of the bill. (<u>Attachment 2</u>)

Missy Baer, private citizen, who had requested this bill be introduced, presented testimony listing the problems she encountered in trying to get her motorized seat belt repaired under the present 10 year warranty guarantee. She also attached statements from the dealership who had refused to honor this warranty. (Attachment 3)

Don McNeeley, Kansas Automobile Dealers Association, stated they support <u>HB 2145</u> and felt this was necessary to clear up some of the cloudiness in the current law.

Following questions and concerns from the committee, Chairman Hayzlett stated the leadership of the committee, along with the Attorney Generals' office and the Revisor, would study the bill further before final action was taken.

The hearings were closed on **HB 2145.**

Chairman Hayzlett adjourned the House Transportation Committee at 2:10 p.m. The next meeting is scheduled for Thursday, February 15 in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: February 14, 2001

NAME	REPRESENTING
Angelia Crawford	AG.
Jim WELCH	A G
Deann Williams	KMCA
Bill watts	KDOT
DON MCNEELY	KS Acronopolit DEALERS ASSN.
Sandy Braden	alliance you Ciuto Manufair
-	
·	

TROY FINDLEY

REPRESENTATIVE, FORTY-SIXTH DISTRICT

2723 TRAIL DUST CT.

LAWRENCE, KS 66046 (785) 749-1259

LEGISLATIVE ADDRESS
ROOM 272 W 302-S
(785) 296-7850 7686
STATE CAPITOL
TOPEKA, 66612-1504



DEMOCRATIC POLICY CHAIR

COMMITTEE ASSIGNMENTS

MEMBER: ECONOMIC DEVELOPMENT
FEDERAL AND STATE AFFAIRS
FISCAL OVERSIGHT
TAXATION

HOUSE OF

TESTIMONY IN SUPPORT OF HOUSE BILL 2145

Chairman Hayzlett and Members of the House Transportation Committees:

Thank you very much for the opportunity to testify today in support of House Bill 2145. HB 2145 seeks to strengthen the current Kansas law relating to warranties on motor vehicle safety belts.

HB 2145 was requested for introduction in response to contact I received last summer from a Douglas County resident expressing her frustration in having the motorized seatbelt on her car repaired. This constituent experienced problems with her motorized seat belt not retracting properly. At least one motor vehicle dealer informed her that the Kansas seat belt law had a list of parts that were covered and the part needed to retract her seat belt was not on that list.

Current Kansas law, KSA 8-2507, states that "a manufacturer of a motor vehicle sold in this state which is equipped with safety belts in compliance with federal motor vehicle safety standard no. 208, shall provide for a ten-year warranty on such safety belts."

Although this constituent was informed by a motor vehicle dealer that because safety belt motors are not specifically stated in the statute, the dealer was not obligated to honor the warranty, the Chief Counsel's Office of the National Highway Traffic Administration when contacted by our Legislative Research Department indicated that federal standard no. 208 does cover the motor. The Chief Counsel's Office recommended that the adoption of another federal regulation, 49 CFR 571.209, would ensure that all parts of the seat belt assembly are covered.

HB 2145 seeks to accomplish the objective of guaranteeing that the motor of the safety belt assembly is covered in Kansas law by adopting federal regulation 209. Additionally, at the suggestion of the Revisor, I have also included the adoption of federal regulation 210, which covers the safety belt anchoring.

Thank you for the opportunity to present testimony in support of HB 2145. I would encourage this committee's favorable action on this measure and I would be pleased to stand for questions.

State of Kansas



Office of the Attorney General

CONSUMER PROTECTION/ANTITRUST DIVISION

120 S.W. 10th Avenue, 2nd Floor, Topeka, Kansas 66612-1597 Phone: (785) 296-3751 Fax: 291-3699

> Consumer Hotline 1-800-432-2310

Testimony of
Steve Rarrick, Deputy Attorney General
Consumer Protection Division
Office of Attorney General Carla J. Stovall
Before the House Transportation Committee
RE: HB 2145
February 14, 2001

Chairperson Hayzlett and Members of the Committee:

Thank you for the opportunity to appear on behalf of Attorney General Carla J. Stovall today to testify in support of HB 2145. My name is Steve Rarrick and I am the Deputy Attorney General for Consumer Protection.

HB 2145 amends K.S.A 8-2507, which requires manufacturers of vehicles sold in this State to provide a ten-year warranty on seat belts. The federal standard referenced in the current law was the applicable federal standard in 1986. HB 2145 would incorporate the current federal standards applying to modern seat belt systems, which include motorized seat belt components.

One major domestic automobile manufacturer refuses to warranty motorized seat belt components under this law. The manufacturer takes the position that our statute does not require them to warranty motorized seat belt components since the federal safety standards of 1986 contained in current law did not include motorize seat belt components.

The manufacturer refusing to warranty these motorized seat belt components makes at least two vehicle models with this type of seat belt. The vehicles are both lower priced compact cars. As a result of this manufacturer's decision to decline warranty repairs, consumers have incurred repair bills between \$170 to \$500, and others may have driven or been passengers in vehicles without working seat belt systems essential to their safety. We have had five formal complaints against this manufacturer.

We are aware of no other automobile manufacturer which refuses to warranty all seat belt components, but believe this bill is necessary to address the position taken by this manufacturer and to prevent other manufacturers from taking similar positions. As you can imagine, when a motorized component of a seat belt system fails, the seat belt system typically becomes an ineffective safety

House Transportation Committee February 14, 2001 Attachment 2 device. An example of a motorized component that might fail is a shoulder harness that runs on a track in the door and moves in and out of position when the car door is opened or shut.

HB 2145 provides the solution to this problem by amending the current statute to include the federal safety standards in effect today. This will effectively close the gap that this manufacturer has found and require that all seat belt components be covered under the Kansas seat belt warranty law. Without this bill, we leave consumers at risk both financially and physically. By passing this bill, we believe you will clarify what the legislature intended when ithey passed K.S.A. 8-2507 into law, which is to require automobile manufacturers to warranty all seat belt components for ten years to insure that automobiles driven by Kansans are equipped with this basic safety device.

In order to eliminate any questions on what is intended by this bill, I have attached a balloon amendment to my testimony that makes it clear that the ten-year warranty applies to seat belts and all component parts, including motorized components.

On behalf of Attorney General Stovall, I urge you to pass this bill out favorably. I would be happy to answer questions of the Chair or any member of the Committee.

Testimonial Of Mrs. Missy J Laer February 14th 2001

House Bill # 2145:

We are the owners of a 1993 Ford Mercury Cougar with motorized seat belts.

My testimony is about the how Ford Motor Company has circumvented House Bill # 2145.

My goal is to get Bill 2145 "rewritten" so all parts are covered on seat belt.

I urge you to listen to my testimony!

Thank you Mrs. Missy J Baer

If you have any questions or, would like to contact me please feel free to at: 1-785-494-2014

Good afternoon Mister chairman and memebers of the House Transportation committee. I would like to thank Troy Findley for allowing me to take advantage of this opportunity to speak today.

(item #1) House bill # 2145 effects our family in a personal manner. We are the owners of a 1993 Ford Mercury Cougar with motorized seat belts.

Who would have ever thought that seats belts could become more of a <u>hassle</u>, <u>expense</u> and <u>danger</u> then saftey?

Oct. 14th 1999 Our Cougar needed a general tune-up and at this time our seat belts were malfunctioning and pulling on the battery.

Pat Slimmer of Lawrence informed me I should take our car to Laird Noller Ford in Lawrence because there was a warranty on seat belts in the state of Kansas. (although he was unsure of exact details)...

so..... indeed I drove to Laird Noller Ford in great hopes this was true. After pulling the car into Ford garage, I gave the make, model, and other general information to the technician.

At that point he sat in the drivers seat and took once glimse of the odometer and says, "you have 103 thousand miles on your car, our seat belt warranty is 100 thousand miles or 10 years

which ever comes first. You car is over the limit and cannot be covered under warranty."

He proceeded to give me an quick estimate to repair the motors on the seat belts, "your looking at about thousand dollars to replace these" he said.

Distraught and up-set knowing I could not afford a thousand dollars I began to ponder...

What exactly was the seat belt law? And, how could I find it?

First, I called the police dept. in Lawrence assuming the police dept. would know about seat belts...to my amazment they did not have a clue as to a state seat belt warranty and advised me to call the Attorney Generals office.

Thanks to the Attorney General's office I obtained information about the <u>Kansas Safety Belt Education office</u> located in Lawrence. This is where I obtained a copy of <u>8-2507 manufacturer warranty on safety belts</u>. (item # 2)

At this point I realized Laird Noller sent me out of their garage with full knowledge that my seat belts were inoperative, under warranty and they had a very false interpretation of the law!

I called Larid Noller again. I asked once more about the warranty of seat belts. I was told the same thing as before, 10 years or 100 thousand miles which ever comes first.

At that point I stated I had a copy of the law

and it stated nothing about milage.... Laird Noller told me to bring a copy to them so they could review it.

<u>Dec 2nd 1999</u> (item 3) Laird Noller replaced the track motor on both sides of our car however, I had to have the car towed because the malfunctioned seat belt motors ran the battery down.

<u>July 7th 2000</u> (item 4) 7 months later our seat belts malfuctioned once again but this time with a continous <u>chime</u> that only shuts off when the engine is off.

We took it to Ottawa Ford hoping to get the seat belts fixed under warranty once again.

We were charged 35.28 for a diagnostic resulting in the following explanation....."your 93 cougar needs both door ajar switchs replaced the estimated cost would be 128.44 plus tax." We asked why this was not covered under law? Ottawa Ford told us.... they had a "list of parts" that were covered under the Kansas law and the door ajar switch (which controls the seat belts) was not on their list therefore not covered under warranty.

<u>July 21 2000</u> (item 5) 2 weeks later we took the car back to Laird Noller in Lawrence for a 2nd opinion... we paid 9.86 for this following explination... "driver side seat belt does not retract and needes a door ajar switch with an estimated cost of 189.00!"

Once again, they too claimed this was not part

of the warranty. I asked if the chime could be disconnected? I was informed by Laird Noller Ford this would be **unsafe** and could set them up for a possible lawsuit.....

ummmmm its unsafe to unhook the chime but not unsafe to send a family in a car with

erative seat belts.....?

So, now I have both Ottawa Ford and Laird Noller's written acknowledgment that the seat belts in our 93 cougar are incooperative.

In hopes of receiving assistance I called Ford Motor copany in Michigan...

I was told by a customer service representative it would be impossible for Ford Motor company to know all the different laws in every state. It was not Ford motor copany's fault that Kansas has such a seat belt law and therefore Ford is not obligated to fix the seat belts!

I stand here and ask you folks today what is someone like me to do?

Some days my seat belt works, some days it sticks halfway and other times it engages properly and then won't release...and I have a continuous chime that never stops.

If we could afford to have the seat belts fixed at the sear prices we would be driving a newer car...

I'm up-set because I feel in reto-spect I"m being forced to break the law, because I don't have the oportunity to wear my seat belt.....This is just

one safety issue we have experienced with the seat belts on our car.

Last August we experienced a potentially dangerous situation with inoperative motorized seat belts....

My husband was working on the car, (with the engine running) he leaned his head into the inside of the car through the window. At that moment the seat belt **engaged** and **retracted backwards** pinning my husband's head and torrso down to the door frame of the car.

He was able to maneuver his arms <u>over</u> his head in a <u>backwards</u> position and hit the release button. The force was strong enough to bruise his shoulder.

At that moment a <u>HORRID</u> image formed in my mind... what if that was my 4 year old child? ... Or, any other child leaning his or her head <u>ither</u> out of the car or <u>into</u> the car? Would they be able to maneuver into a position to hit the release button?

And, would they even be able to reach a release button?

I hope I never have to find out......

Is it not ironic that today is Valentines day and we are discussing matters that physically lay upon our hearts!

Please... I encourage you to make this law CLEAR and more concise so vehchile manufactures cannont circumvent what they are obligated to do in the state of Kansas, FIX SEAT BELTSTHAT DON'T WORK!



Session of 2001

HOUSE BILL No. 2145

By Committee on Transportation

1-24

9 AN ACT relating to motor vehicles; concerning safety belts; amending K.S.A. 8-2507 and repealing the existing section.

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

- Section 1. K.S.A. 8-2507 is hereby amended to read as follows: 8-2507. (a) From and after the effective date of this act, A manufacturer of a motor vehicle sold in this state which is equipped with safety belts in compliance with federal motor vehicle safety standard no. 208 standards, including standards number 208, 209 and 210, as published in 49 C.F.R. §571.208, 571.209 and 571.210, shall provide for a ten-year warranty on such safety belts.
- (b) As used in this section, "motor vehicle" means a new motor vehicle which is sold in this state, and which is registered for a gross weight of 12,000 pounds or less, and does not include the customized parts of motor vehicles which have been added or modified by second stage manufacturers, first stage converters or second stage converters as defined in K.S.A. 8-2401, and amendments thereto.
- Sec. 2. K.S.A. 8-2507 is hereby repealed.
- Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

8-2507. Same; manufacturer warranty on safety belts; "motor vehicle" defined. (a) From and after the effective date of this act, a manufacturer of a motor vehicle sold in this state which is equipped with safety belts in compliance with federal motor vehicle safety standard no. 208, shall provide for a ten-year warranty on such safety belts.

(b) As used in this section, "motor vehicle" means a new motor vehicle which is sold in this state, and which is registered for a gross weight of 12,000 pounds or less, and does not

SEAT BELTS

8-2507

metude the customize I parts of motor vehicles which have been added or modified by second stage manufacturers, irst stage converters or

second stage converters as defined in K.S.A. 8-2401 and amendments thereto.

History: L. 1986, ch. 35, § 7; July 1.

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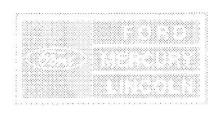
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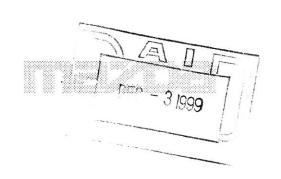
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DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	23.00
MISC. CHARGES	0.00
SUB TOTAL	23.00
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SALES TAX	1.59
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EFFECTIVE 3/1/2000 7:30 AM TO 5:30 PM

PARTS AND SERVICE CLOSED SATURDAY AND SUNDAYS

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Thank you for this opportunity to serve you. Our aim is to perform all the repairs requested on this repair order to your complete satisfaction.

If our service was satisfactory, tell your friends; if not, please tell us immediately.

Thank You

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The factory warranty constituer all of the	LABOR AMOUNT	
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CUSTOMER SIGNATURE

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