

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Les Donovan at 9:00 a.m. on March 27, 2001 in Room 245-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Representative Findley  
Steve Rarrick, Deputy Attorney General

Others attending: See attached list.

**HB 2145: Re motor vehicles; concerning safety belts**

Representative Findley appeared as a proponent and explained the need for a bill to strengthen current Kansas law relating to warranties on motor vehicle safety belts (Attachment 1)

Steve Rarrick, Deputy Attorney General for Consumer Protection, also addressed the need for this bill to incorporate current federal standards applicable to modern seat belt systems, including seat belt components. Ford Motor Company had indicated they would change their policy, but so far they have done nothing (Attachment 2).

For member's information, Chairman Donovan read the copy, which he had just received, of a letter from the Ford Motor Company, addressed to "All Ford and Lincoln-Mercury Dealers in the State of Kansas" (Attachment 3). Members will be provided with a copy of this attachment.

Discussed current law and issues contained in **HB 2145**. The consumer protection language was amended into the bill on the House Floor, but there was a gentleman's agreement that when/if Ford Motor Company complies with the requirements, such language would be removed.

Chairman Donovan introduced an amendment to install **SB 172** as passed by the Senate Committee of the Whole into **HB 2145**. **SB 172** deals with child restraint passenger safety seats, seat belts, etc. It passed out of the Senate on a 22-18 vote. The House has not acted on **SB 172**. It is hoped our action here will allow something to be done with it in conference. Senator Goodwin moved to so amend **HB 2145**. Senator Schodorf seconded the motion. On a count of votes the motion carried 5 to 4.

Senator Goodwin moved to pass out **HB 2145** as amended. Senator Schodorf seconded the motion. On a count of votes, the motion carried 5 to 4.

The meeting adjourned at 9:30 a.m.

The next meeting is "on call."

SENATE TRANSPORTATION COMMITTEE

GUEST LIST

DATE: MARCH 27, 2001

NAME	REPRESENTING
Bill Heun	KS Gov. Consulting
Rosalie Thornburg	RDOT
Don McNEELY	KANSAS AUTOMOBILE DEALERS ASSN.
Jim Welch	Attorney General Office
Steve Raderick	Deputy Attorney General
Nancy Lindberg	AG
Cady Ward	AG
Jim Keating	KANS, SAFE KIDS
Bobb Coant	KS Trial Lawyers Assoc.
Andy Shaw	KS Motor Carriers Assoc.
Trista Bendles	Governor's Office

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TOPEKA

HOUSE OF  
 REPRESENTATIVES

DEMOCRATIC POLICY CHAIR  
 COMMITTEE ASSIGNMENTS  
 RANKING MEMBER: REDISTRICTING  
 MEMBER ETHICS & ELECTIONS  
 NEW ECONOMY  
 TAXATION

## TESTIMONY IN SUPPORT OF HOUSE BILL 2145

Chairman Donovan and Members of the Senate Transportation Committee:

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.

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HB 2145 originally started out 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.

The House Transportation Committee amended the bill, as recommended by a subcommittee, to include all components relating to seat belts contained in federal standards 208, 209, 210, including but not limited to any motorized components.

The House Committee of the Whole further amended the bill to make any violation to be considered an unconscionable act and subject to any and all remedies and enforcement provisions of the Kansas consumer protection act.

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.



CARLA J. STOVALL  
ATTORNEY GENERAL

State of Kansas

## Office of the Attorney General

### CONSUMER PROTECTION / ANTITRUST DIVISION

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Testimony of  
Steve Rarrick, Deputy Attorney General  
Consumer Protection Division  
Office of Attorney General Carla J. Stovall  
Before the Senate Transportation Committee  
RE: HB 2145  
March 27, 2001

Chairperson Donovan 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 applicable to modern seat belt systems, which include motorized seat belt components.

This bill was proposed because one major domestic automobile manufacturer, Ford Motor Company, refused to warranty motorized seat belt components under this law, even though every other automobile manufacturer provided the required warranty for all seat belt components. Ford took the position that our statute did 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.

Ford makes at least two vehicle models with this type of seat belt. The vehicles are both lower priced compact cars. As a result of Ford's decision to decline warranty repairs on motorized seat belt components, Kansas consumers have incurred repair bills ranging from \$170 to over \$1,000, 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 Ford. Numerous other consumers have called our office, but didn't file formal complaints when they learned that our office has no authority to pursue violations of this law because it is not a violation of the Kansas Consumer Protection Act (KCPA).

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Ford had indicated during House Transportation Committee and Subcommittee hearings that it would change its policy and provide refunds to consumers who were previously denied warranty coverage. On February 22, 2001, we hand-delivered to Ford representatives information from the 5 consumers who filed complaints with our office, but to date we have not received the promised refunds. In fact, it was not until after this bill was amended on the House floor to provide KCPA protections that Ford finally provided a letter to Representative John Ballou, the Chair of the House Transportation Subcommittee, indicating the promised change in policy. However, as of yesterday, service departments in the Ford dealers we contacted had not received this letter, so apparently many, if not all, Ford dealers in Kansas still have not been apprised of this change in policy.

The Attorney General believes this bill is necessary to address the position taken by Ford 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 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. If the motorized component fails when the shoulder harness is in the forward position, the seat belt system simply does not work, and may actually pose a risk of injury rather than provide for safety.

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 Ford has found and require that all seat belt components be covered under the Kansas seat belt warranty law. It also allows the Attorney General to enforce the law under the KCPA when a manufacturer refuses to comply with the warranty requirements. Without this enforcement provision, consumers are faced with litigating with large automobile manufacturers, with no provision for attorneys fees or penalties. As you can imagine, consumers are not on a level playing field under those circumstances, and often would not be able to find an attorney willing to take their case for less than the cost of the seat belt repairs. Because all other manufacturers have complied with this law, we don't anticipate having to file many cases, if any, since even Ford has agreed to change its policy. However, without this enforcement mechanism, there is nothing to deter Ford or other manufacturers from using their unequal bargaining power to deny this important warranty protection to Kansas consumers.

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 K.S.A. 8-2507 was enacted, which is to require automobile manufacturers to warranty all seat belt components for ten years to insure that automobiles sold in this State are equipped with this basic safety device which Kansans are required by law to use.

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.



# Ford Motor Company

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March 23, 2001

To: All Ford and Lincoln-Mercury Dealers in the State of Kansas

Subject: Ten-Year Safety Belt Warranty in the State of Kansas

The purpose of this letter is to announce an expanded parts listing for the unique warranty coverage on safety belts in the State of Kansas.

## Background

Effective July 1, 1987, the State of Kansas passed a law requiring safety belts to be covered for 10 years regardless of mileage for all cars and light trucks with a GVW of 12,000 pounds or less.

## Vehicle Eligibility

- Only vehicles sold and registered in the State of Kansas are eligible for the 10 year / unlimited mileage safety belt warranty coverage.
- If a customer moves to another state with the covered vehicle or if the covered vehicle is repaired outside the state of Kansas, it will be necessary for the customer to request a refund through their selling dealer or another Kansas dealer.
- Vehicles with a GVW greater than 12,000 pounds are not eligible for the 10 year / unlimited mileage seat belt warranty.

## Warranty Coverage

All new vehicles sold by Ford Motor Company are provided with a 5-year/50,000 miles safety restraint warranty. The Kansas law extends the warranty coverage on safety belt components, to 10 years. This law does not extend the warranty coverage for any other components that might be covered under the Safety Restraint Warranty. To summarize, the Safety Restraint Warranty is still 5/50,000 for non-safety belt components and the warranty coverage for safety belt components is extended to 10 years with unlimited mileage.

## Covered Components

The attached pages from the January 2001 Parts Coverage Directory have been revised to reflect an expanded list of components that are presently covered under the 10 Year Kansas State safety belt warranty. Please insert these pages into your Parts Coverage Directory. The January 2001 Parts Coverage Directory is available electronically via QCDealer, under the Service category look for "2001 Parts Coverage Directory".

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# Ford Motor Company

## Safety Restraint Part List for Kansas 10 Year Coverage

- 10D840 - Chime Assembly Seat Belt Warning
- 10B987 - Switch Assy Door Ajar Warning
- 14B119 - Switch Assy Seat Shoulder Strap Release
- 14B136 - Front Seat Belt Switch Assembly
- 14B138 - Rear Seat Belt Switch Assembly
- 14B150 - Right Seat Belt Motor & Drive Assembly
- 14B151 - Left Seat Belt Motor & Drive Assembly
- 14A501 - Switch & Wire Set Seat Belt Sensor
- 14A504 - Wire Set Seat Belt Retractor
- 14A679 - Passive Restraint Module
- 14A680 - Bracket - Passive Restraint Module
- 51756 - Retainer - Roof Side Inner
- 600A38 - Rear Set Belt & Buckle Assy.
- 60044 - RH Rear Seat Belt & Buckle
- 60045 - LH Rear Seat Belt & Buckle
- 60122 - Insulator-Right Seat Belt Anchor
- 601B30 - RH Bezel Rear Seat Shoulder Strap
- 601B31 - LH Bezel Rear Seat Shoulder Strap
- 60132 - RH Strap Assy Rear Seat Shoulder
- 60133 - LH Strap Assy Rear Seat Shoulder
- 601A90 - Buckle Assy Rear Seat Belts
- 60220 - RH Bezel Front Seat Belt Opening
- 60221 - LH Bezel Front Seat Belt Opening
- 60230 - RH Cover-Front Shoulder Strap
- 60231 - LH Cover-Front Shoulder Strap
- 60232 - RH Belt Assy Front Seat
- 60233 - LH Belt Assy Front Seat
- 60234 - RH Boot-Front Seat Shoulder Harness
- 60235 - LH Boot-Front Seat Shoulder Harness
- 602B34 - Track Front Seat Strap-RH
- 602B35 - Track Front Seat Strap-LH
- 602B38 - RH Brkt F/S Shoulder Strap Track
- 602B39 - LH Brkt F/S Shoulder Strap Track
- 602B40 - Carrier Seat Belt Restraint RH
- 602B41 - Carrier Seat Belt Restraint LH
- 602B46 - Belt Shoulder Strap
- 602B48 - RH Guide Shoulder Strap
- 602B49 - LH Guide Shoulder Strap
- 602B52 - RH Track Front Shoulder Belt
- 602B53 - LH Track Front Shoulder Belt
- 602A54 - RH Buckle Assy Front Shoulder
- 602A55 - LH Buckle Assy Front Shoulder
- 60256 - Guide Front Seat Belt Lower
- 60262 - Cover Front Seat Belt Guide
- 602B64 - RH Seal Shoulder Strap Track
- 602B65 - LH Seal Shoulder Strap Track
- 60270 - RH Guide Front Seat S/S Lwr.
- 60271 - LH Guide Front Seat S/S Lwr.
- 602B82 - Adjuster Front Seat Strap
- 60286 - Stop-Shoulder Strap
- 610C06 - Extension-Front Seat Belt
- 610D10 - Guide Rear Seat Belt
- 610C22 - RH Cover Shoulder Strap Retr.
- 610C23 - LH Cover Shoulder Strap Retr.
- 610D44 - Track Assy - Seat Belt RH
- 610D45 - Track Assy - Seat Belt LH
- 610D80 - Buckle Assy Child Seat Belt
- 610C84 - Support Front Seat Belt Buckle RH
- 610C85 - Support Front Seat Belt Buckle LH
- 610D94 - Kit-S/B Buckle Tongue
- 611B08 - RH Front Seat Belt Retractor Assy
- 611B09 - LH Front Seat Belt Retractor Assy
- 611C22 - Extension Assembly-Seat Belt
- 611B26 - Bezel Kit Front Seat Belt
- 611D30 - Guide Rear Seat Shoulder Strap
- 611B32 - Plug Boot-Seat Belt Retractor
- 61140 - Cover-Front Seat Belt Boot
- 611C40 - Shield-Front Seat Belt Retractor
- 611A48 - Belt Assembly Front Seat
- 611C58 - Front Seat Belt Mounting Plate
- 611B60 - Belt Assy-Center Passenger
- 611B66 - Rear Seat-Center Belt Assy
- 611B68 - RH Rear Seat Belt Retractor Assy
- 611B69 - LH Rear Seat Belt Retractor Assy
- 611A70 - Shield-Front Seat Belt RH
- 611B70 - Belt Assy - Front Seat Center
- 611A71 - Shield-Front Seat Belt LH
- 611A72 - RH Seat Belt Assy-Complete
- 611A73 - LH Seat Belt Assy-Complete
- 611B76 - Belt Front Seat Center
- 611B90 - Bezel-Rear Seat Belt
- 612C00 - Bezel-Front Belt Tension Adjuster
- 61202 - RH Front Seat Belt Buckle
- 61203 - LH Front Seat Belt Buckle
- 612B04 - Auxiliary Seat Belt
- 61209 - Buckle Front Seat Belt End
- 61212 - Bolt-Front Seat Belt Anchor
- 61216 - Reinforcement-Seat Belt Anchor
- 612B18 - Belt & Buckle Front Seat RH
- 612B19 - Belt & Buckle Front Seat LH
- 61222 - Loop-Front Seat Belt Retainer
- 612C46 - Handle Seat Belt Retractor
- 61248 - Clip Kit Tot Guard
- 612A56 - Spacer-Shoulder Belt
- 612A64 - Cover-Seat Belt Buckle
- 613E00 - Hook Rear Seat Shoulder Strap
- 613D10 - RH Guide Rear Seat Belt
- 613D11 - LH Guide Rear Seat Belt
- 613B32 - Cover Front Seat Belt Opening
- 613C46 - RH Cover Rr St Belt Retractor
- 613C47 - LH Cover Rr St Belt Retractor
- 613K50 - Seat Belt Assy
- 613C54 - Cable-Seat Belt Anchor
- 613D74 - Kit Child Seat Belt
- 613B84 - RH Rear St Assy-Complete
- 613B85 - LH Rear St Assy-Complete
- 616B00 - Cover Child Seat Belt Brkt