

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Senator Les Donovan at 8:30 a.m. on February 26, 2002 in Room 245-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Carla Mahoney, Planned Parenthood
Trista Beadles, Staff Attorney, Governor's Ofc.
Cherie Sage, AAA
John Eichkorn, 2nd Lt., KHWP
Jim Keating, KS. Safe Kids Coalition
Rosalie Thornburgh, KDOT
Julie Sergeant, KDHE

Others attending: See attached list

SB 624: Re special license plates; Choose Life & Autism Society, Johnson Co.

Proponents on this bill testified before the Committee on February 21. Today's hearing was scheduled for opponents. Carla Mahany, Planned Parenthood of Kansas & Mid-Missouri addressed the issue of viewpoint discrimination regarding to the "Choose Life" license plate, and discussed pending lawsuits. She requested an amendment to provide for the issuance of a "pro-choice" plate (Attachment 1). No one moved to adopt such amendment. No other conferees appeared. At the February 21, 2002 meeting the Committee amended **SB 518** into **SB 624**. Senator Lyon moved to recommend SB 624, as amended, favorable for passage. Senator Harrington seconded the motion. Motion carried. Senator Gooch wished to be recorded as not recommending the bill favorably.

SB 411: Child passenger safety and safety belts

Trista Beadles, Staff Attorney, Governor's Office, testified regarding this bill designed to fill in gaps in current child passenger safety laws. They believe this is a comprehensive proposal to provide parents information and assistance to protect children through age and size appropriate restraints (Attachment 2).

Cherie Sage, Public Affairs Coordinator, American Automobile Association of Kansas, presented a brief informational video on the booster seats, as well as data related to deaths of child passengers and estimated reduction in such deaths by implementation of provisions in **SB 411**. She also explained the availability of assistance (Attachment 3).

Second Lieutenant John Eichkorn, Kansas Highway Patrol explained why current law does not provide the highest level of safety. At too many accident scenes the Kansas Highway Patrol sees first hand the results of children not being adequately restrained. A short video demonstrated how disastrous lap/shoulder belts can be to a child who has outgrown the child safety seat - usually ages 4-14. He further testified that they receive numerous calls from people asking what the law says because they expect Kansas law to help them keep their children safe. Members were shown the types of "booster seats" available. Experience has also shown that an adequate fine increases compliance with the law (Attachment 4).

Jim Keating, Kansas Safe Kids Coalition expressed his group's pleasure in supporting this bill. This bill is to help parents to protect their children. Mr. Keating also advised that booster seats are available through a number of community programs. There is a SAFE KID hotline, 1-800-332-6262, where parents can obtain information on local distribution points. He pointed out that the fine for violation is in line with the standard for other traffic violations (Attachment 5).

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at on February 26, 2002 in Room 245-N of the Capitol.

Rosalie Thornburgh, Chief, Bureau of Traffic Safety, Kansas Department of Transportation, reported on their observations regarding child passenger safety issues and recommended passage of this bill as an important passenger safety enhancement act (Attachment 6).

Julie F. Sergeant, Kansas Department of Health and Environment, testified that Kansas routinely experiences more motor vehicle crash deaths than the national average. She attached figures to her testimony showing counties with highest death rate from such crashes. Interestingly enough, those were all rural areas. Ms. Sergeant also pointed out savings resulting from use of safety seats; i.e. for every \$1.00 spent on child safety seats \$32.00 is saved, These savings result from reduced costs for insurance, traumatic brain injury services, and other health care such as hospitalization, etc. (Attachment 7).

The State Child Death Review Board strongly supports this bill. They provided written testimony only (Attachment 8).

Chairman Donovan explained status of this type of legislation. **HB 2145** passed both houses last year and is in conference committee. Feel that passing this bill out of committee would present a better opportunity to combine the two for more effective legislation The House also has at least two other bills on this subject, but we have no information further information on either of them.

Senator Goodwin moved to recommend **SB 411** favorable for passage. Senator Jackson wished to offer an amendment on the bill which would leave the fine at \$10.00. Senator Goodwin withdrew her motion. Senator Jackson moved to amend **SB 411** by waiving \$50.00 of the fine on page 2, line14, so that the fine would remain at \$10.00. Senator Gooch seconded the proposed amendment. Amendment carried. Senator Goodwin moved to recommend passage of **SB 411** as amended. Senator Jackson seconded the motion. Motion carried.

Approval of minutes

Senator Gooch moved to approve minutes of the February 20 and February 21, 2002 meetings. Senator Salmans seconded the motion. Motion carried.

The meeting adjourned at 9:35 a.m.

The next meeting will be after turnaround, probably March 6, 2002

**SENATE TRANSPORTATION COMMITTEE
GUEST LIST
DATE: FEBRUARY 26, 2002**

NAME	REPRESENTING
Tristy Baudles	Office of the Governor
Loren Ramsey	Ks for Life
Rosalie Thornburgh	KDOT
Steve	KDOT
Jan Hegelmaier	KS SAFE KIDS Coalition
JIM KEATING	"1"
Sandra Braden	Alliance for Automobile Manufacturers
Bob Alva	Federal Highway Admin.
Carolyn Ward	AAS/SCORB
Anne Louder	KDHE
Julie Sergeant	KDHE
Cherie Sage	AAA Kansas
Sheila J. Walker	KDOR - DMV
Galen Detsky	Kansas Highway Patrol
Jim	KANSAS HIGHWAY PATROL
Dee	KHP
Deann Williams	KS MOTOR CARRIERS ASSOC
Christi Stewart	KS motor Carriers Assoc.

Our chief argument against SB 624 is that it is impermissible under the Free Speech Clause of the First Amendment to authorize one side of the abortion debate to speak on their license plates, while precluding the other side from doing so. This is impermissible viewpoint discrimination.

In the past two years, three states – Florida, Louisiana, and South Carolina – have enacted “Choose Life” license plate laws. Lawsuits have been brought in all three states. It is not the case, as stated by a proponent last week, that all lawsuits against the “Choose Life” license plate laws have been dismissed. Two of the laws – in Louisiana and South Carolina – have been successfully enjoined for the duration of the litigation. In Florida, the Center for Reproductive Law and Policy recently filed another lawsuit against their law which has been dismissed, although not on the merits. Alabama recently became the fourth state with “Choose Life” plates, when they were approved by a state administrative committee, not by the legislature.

Here is what the court wrote in the Louisiana case: “The State has chosen license plates as a forum for speech. Once it makes this choice it cannot discriminate against another viewpoint.” The court further explained that “[t]o provide through legislation for only one viewpoint to be expressed on such a polemical topic [as abortion] is very likely an unconstitutional restraint of free speech as it restricts the forum to only one view – that being the view of the State.” (Henderson v. Stalder, 112 F. Supp. 2d 589, 598 (E.D. La. 2000).

History of “Choose Life” License Plates: Existing Laws and Legal Challenges

Florida: The “Choose Life” license plate was first authorized in 1999 in Florida. Choose Life, Inc. satisfied the stringent requirements imposed by Florida state law for new special license plates (including a fee of up to \$60,000; a study demonstrating that 15,000 individuals would purchase the plate; marketing plans; financial studies), the legislature approved the application, and Governor Bush signed it into law. The law directs that the fees raised by the sale of the plates are to be distributed to each county, to be further distributed to non-profit organizations whose “services are limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption.” Funds may not be distributed to any organization that “is involved or associated with abortion activities.”

Two Florida citizens challenged the “Choose Life” plates in U.S. District Court, claiming that the law constituted impermissible viewpoint discrimination under the First Amendment right of free speech because it authorized one side of the abortion debate to be displayed on special plates, but not the other side of the debate. In December 1999, the court dismissed the lawsuit, not on its merits, but because the plaintiffs had never applied for a Pro-Choice license plate. Subsequently, the National Organization for Women filed a lawsuit in state court, and that case was later dismissed on similar grounds, and may be appealed.

On January 15, 2001, two non-profit organizations and an individual filed a second suit in U.S. District Court. Women’s Emergency Network v. Bush (S.D. Fla.). That case focuses on the distribution of funds under the Act, and contends that the Act unconstitutionally discriminates by authorizing distribution of funds to agencies that counsel and refer women for adoption services, but not to those that counsel and refer women for abortion services. In addition, plaintiffs claim that the State of Florida’s distribution violates the Establishment Clause because in some counties, the responsibility for handling of these funds has been bestowed upon religiously affiliated groups.

Louisiana: In 1999, Louisiana became the second state to authorize “Choose Life” license plates. The Louisiana law provides that the revenue from plates sales is to be distributed, upon the recommendation of the “Choose Life” Advisory Council, to not-for-profit organizations that counsel

women to place their children up for adoption, but no funds may be distributed to any organization “involved in, or associated with counseling for, or referrals to, abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising.”

A lawsuit (Planned Parenthood of Louisiana, Inc. is one of the plaintiffs) was filed in August 2000 in federal district court. That month, the court issued a preliminary injunction, finding that Plaintiffs had established that they were likely to succeed on their claim that the Act violated their free speech rights because it authorizes individuals opposed to abortion to express their anti-choice views on their license plates, but precludes pro-choice individuals from exercising that same right. The State of Louisiana appealed the decision, and argument was heard in the U.S. Court of Appeals for the Fifth Circuit in August 2001.

South Carolina: South Carolina’s “Choose Life” license plate was signed into law on September 2, 2001. The proceeds from the sale of the plates are to be used to support “crisis pregnancy” programs, and the Act disqualifies from eligibility for the funds “any agency, institution, or organization” that “provides, promotes, or refers for abortion.” S.C. Stat. § 56-3-8910. The General Assembly considered but did not pass a “Pro Choice” plate. Planned Parenthood of South Carolina filed suit in federal court, and the court issued a preliminary injunction.

Alabama: In October 2001, Alabama became the fourth state to authorize “Choose Life” license plates when a committee set up by the legislature to approve all new special license plates – the Legislative Oversight Committee – approved the Alabama Pro-Life Coalition Education Fund’s application. The state will begin to produce and distribute the license plates if it receives 1000 applications for the license plate. Proceeds from sales of the plates will be distributed to Pro-Life Coalition Education Fund, which has said it intends to distribute the money to “crisis pregnancy” centers.

As happened last week before this Committee, proponents of “Choose Life” laws frequently contend that “Choose Life” is a noncontroversial, nonpolemical statement, and not a slogan of the anti-choice movement. I would like you to note that the court cases that have addressed this issue have properly assumed that “Choose Life” is an anti-choice slogan.

Since this issue has generated a lot of activity in the courts, with states needing to defend their decision to offer only “Choose Life” license plates, and since as well all know this state cannot well afford to do so, I request that you add another amendment to SB 518, since you have already added SB 624. The amendment I recommend would add language similar to SB 624, but with the following changes:

- insert the words “pro-choice license plate” in substitution for the words “choose life license plate” on line 17

- change the words “Kansans for life educational trust fund” to “Planned Parenthood of Kansas and Mid-Missouri” wherever it occurs throughout the bill

- change the words “shall be used to provide support to women in crisis pregnancy and to encourage adoption” that occur in lines 27 and 28 to “shall be used to provide community sexuality education in Kansas and education about emergency contraception in Kansas.”

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OFFICE OF THE GOVERNOR

Testimony regarding SB 411
Presented to
Senate Transportation Committee

February 26, 2001

Mr. Chairman and Committee Members:

I am pleased to appear before you today to testify on behalf of the Governor's proposal for strengthening Kansas's laws that protect the safety of children riding on our roads. Throughout his administration, Governor Graves has been committed to making safety on our roads and highways a priority.

Nationwide, traffic crashes are the leading cause of death for children between the ages of 6 to 14. In 1999, 88 children under the age of 17 were killed in motor vehicle accidents in Kansas. More than half of those children were not wearing seat belts or restrained in child safety seats.

Parents and other caretakers look to the government to provide them with information and guidelines about issues in which they do not have expertise. Many believe that by following the law, they will be safe. Unfortunately, this is simply not true as Kansas' child passenger safety laws are lacking critical protection for children.

SB 411 fills a gap in the current child passenger safety laws. Under current law, when a child turns 4, he or she is required to wear a safety belt, but is not required to be seated in any type of child passenger safety seat. However, a seat belt designed to provide protection for an adult does not provide adequate protection for a young child. SB 411 implements an interim between child passenger safety seats and seat belts where a child is seated in a booster seat. Upon a child's fourth birthday or when that child weighs 40 pounds he or she will ride in a booster seat. When that child turns 7 or weighs 80 pounds he or she will be properly restrained in a safety belt until the age of 18. An exemption exists for vehicles designed with only lap belts. SB 411 raises the current fine from \$20 to \$60 for violating Kansas' child passenger safety and seat belt laws. There is a one-year "grace" period where law enforcement officers will issue a warning when children are not properly restrained in booster seats.

The Governor's proposal, SB 411, proposes a comprehensive law to provide parents with adequate assistance and information to best protect their children in age and size-appropriate restraints.

SENATE TRANSPORTATION
COMMITTEE -DATE: 2-26-02
ATTACHMENT: 2

2-1

Testimony in support of SB 411
Senate Transportation Committee
February 26, 2002
Presented by: Cherie Sage, AAA Kansas

My name is Cherie Sage and I am the Public Affairs Coordinator for the American Automobile Association of Kansas. AAA Kansas is an organization representing over 140,000 members in our state.

On behalf of AAA Kansas and its members, I am here to urge your support of SB 411 for the enhancement of child passenger safety laws.

According to NHTSA, each year more than 1,700 children die and approximately 300,000 are injured as occupants in motor vehicle crashes. Child safety seats, when properly used and installed, reduce the risk of death by 71 percent for infants and by 54 percent for toddlers (in passenger vehicles.) Most parents look to the law as a guideline to help keep their kids safe, but current gaps in coverage include:

- Children age 14 and older riding in the back seat are not covered under the current law,
- Children age 4-8 are allowed to wear an adult seat belt restraint.

Booster seats are designed so that when used with a shoulder-lap seat belt, the child "fits" into the adult seat belt. To define the word "fit", we mean that the lap belt lies on the upper thighs of the child instead of riding up onto their belly. It also means that the shoulder strap of the seat belt crosses their chest and collarbone without lying against their neck. By maintaining the proper "fit" of an adult seatbelt through the use of a booster seat, we are reducing the risk of injury that a child would be potentially exposed to in the event of a crash, including internal abdominal injuries, neck injuries, or even spinal injuries. (Spinal injuries could be caused if the child moved the shoulder belt behind them to alleviate discomfort of the belt lying across their neck.)

In a survey last November of AAA Kansas members, a strong majority (81%) said that manufacturer-installed adult seat belts are not adequate protection for children age 4 and up. In fact, 81% of those surveyed also agreed children ages 4 to 8 and weighing less than 80 pounds are better protected in a booster seat. For those respondents who said that they rarely or never use booster seats when transporting children age 4 to 8, the top two reasons given were: they do not think it is necessary for additional safety protection, and state does not require booster seat. This illustrates how the public looks to the law to determine what is best for their children.

With the low cost of booster seats (as low as \$12), and the presence of loaner and give-away programs, as well as fitting stations in our state, we believe it is reasonable to ask parents and caregivers to take this action to ensure the safety and well-being of the children of Kansas.

Since its formation in 1902, AAA has been an advocate for the motorist, as well as for traffic safety. We support HB 2886 as a step forward towards making the roads and highways a safer place to be for the children of Kansas. It is our hope that you will agree and support SB 411. Thank you for your attention.

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SENATE TRANSPORTATION
COMMITTEE -DATE: 2-26-02
ATTACHMENT: 3

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

Bill Graves
Governor



Col. Donald W. Brownlee
Superintendent

Summary of Testimony on SB 411 Senate Transportation Committee

Presented by
Second Lieutenant John Eichkorn
February 26, 2001

Good morning, Mr. Chairman and members of the committee. My name is Second Lieutenant John Eichkorn, and I appear before you on behalf of Colonel Don Brownlee and the Kansas Highway Patrol to comment on Senate Bill 411.

Regrettably, Kansas' current law regarding child occupant protection has been identified as having provisions that do not necessarily provide the highest level of safety. In amending this law, SB 411 proposes to increase children's level of protection as they travel on Kansas' roadways.

Under current law regulating child passenger safety, children under the age of four years must be transported in an approved child safety seat and children four years but under fourteen years must be buckled by a safety belt, anywhere in the vehicle. Occupants fourteen years and older are not required to wear safety belts in the back seat.

Encouragingly, more and more adults in Kansas are using child safety seats to protect their little ones. According to KDOT'S 2001 Safety Belt survey, 92 percent of children under four are secured in child safety seats while travelling on Kansas' roadways. But when children outgrow their convertible seats around the age of four years and 40 pounds, many parents stop using child safety seats and move kids directly into safety belts or sometimes nothing at all. While keeping this in mind, KDOT's survey also showed only 52% of children 4 to 14 were buckling up. This means that children 4 to 14 buckle up 40% less than the under-four age group.

For adults trying to do the right thing, moving a child out of a child safety seat directly into a safety belt can be disastrous. Doing so can seriously harm small children in a crash because safety belts are primarily designed for adults. Lap/shoulder belts are made to ride over the bony areas of the shoulders and hips. With small children, the lap belt tends to ride up into

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SENATE TRANSPORTATION
COMMITTEE -DATE: 2-26-02
ATTACHMENT: 4

their abdomens and the shoulder belt cuts across their necks. During a crash, improper fit such as this can lead to internal injuries or cases where the small child slips out of the safety belt.

The solution to this problem is simple. By using booster seats, children too small for safety belts alone, will be placed into position where maximum protection is afforded. SB 411 expands coverage contained in our current law to include the use of a booster seat to ensure the safety of children in this category. The bill also establishes a 1-year "warning only" period for violations of the booster provision. During this time, law enforcement officers would issue warnings and no tickets to violators while working with others in the traffic safety community to make the public aware of changes in law.

Just as drivers use yield signs and curve signs as safety instructions, many caretakers look to state occupant protection laws for guidance in assuring the highest level of safety for themselves and their loved ones. Under our current occupant protection law, children 14 years and older are not required to wear a safety belt while traveling in the back seat. Luckily, SB 411 also increases the age of children required to use safety belts. By requiring these children to buckle up longer, the chances are good that they will continue to do so for the rest of their lives. Buckling up becomes a lifelong habit which save lives.

Experience shows that safety belt usage goes up when occupant protection laws are actively enforced. With this in mind, an adequate fine is an excellent measure of effectiveness. A 1995 study conducted by the National Highway Transportation Safety Administration found that a state with a \$20 fine would tend to have a usage rate that is 8 percent higher than a state with a \$10 fine. Currently, a fine for violation of Kansas' child restraint law is \$20 plus court costs. SB 411 proposes a fine increase to \$60 plus court costs. By doing so, Kansas could see a significant increase in usage from this change alone.

The Patrol has countless hours of hands-on experience with the benefits of buckling up and using child safety seats. Troopers have seen the unnecessary injuries and deaths associated with the failure to buckle up and properly restrain children. Many gruesome experiences will live forever in the minds of officers, especially tragedies involving children. Just ask one of them to describe these experiences. Years later, sensory details such as smells and touch are often as clear as they were the day of the tragic occurrence.

While the current safety belt and child passenger safety laws in Kansas have helped to reduce our fatality rates, there is more that should be done to reduce injuries and deaths. Because many Kansans look to their occupant protection laws for safety guidance, it is important that the State provide statutes that will do just that. The Kansas Highway Patrol strongly urges this Committee to give SB 411 a favorable report. Let's take advantage of the life saving measures this bill has to offer.

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Firefighters Association

Ami Hyten
Kansas Trial Lawyers
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James Keating
Kansas Fire Service

Roseanne Rutkowski
Kansas State Nurses
Association

February 26, 2002

Testimony Presented to the Senate Transportation Committee

Senate Bill 411

I am pleased to provide testimony today on behalf of the Kansas SAFE KIDS Coalition in strong support of SB 411. This bill will provide Kansas parents with better guidance on how to best protect their children by closing gaps in our current Child Passenger Safety Law.

Motor vehicle crashes are still the leading cause of death for Kansas children ages one through seventeen. It would appear that Kansas may indeed be failing its children in the area of child passenger safety - particularly after they reach the age of 4. While observational usage surveys done last year indicate that 92% of Kansas children ages 0-4 were in child seats, the same survey found that only 52% of children ages 4-14 were protected by a booster seat or seat belt. One reason for this drop may be that seat belts, which were designed for adults, do not fit a young child. Parents want to do the right thing, but many are surprised to learn that the current Kansas law does not correctly guide them on the best way to protect their children.

A belt-positioning booster seat raises the child up so that the lap and shoulder belts are properly positioned around the child's body, with the shoulder strap snugly between the neck and arm and the lap belt flat across the upper legs. Since children in booster seats use the adult seat belt, no installation of the seat is required. A belt-positioning booster seat can not only make a child safer, but make the safety belt fit better and feel better to the child.

Fortunately, booster seats that meet federal safety standards and fit children from 40 to 80 lbs. are readily available for \$20 - \$40. Booster seats are also available in Kansas through a variety of community programs (see map). Parents can obtain information on local distribution programs from the SAFE KIDS hotline 1-800-332-6262 or telephone counseling by a certified cps technician at 1-800-745-SAFE (English) and 1-800-747-SANO (Spanish). Families with multiple children will be able to use the booster seat for more than one child as they grow since NHTSA guidelines state that a booster seat can safely be used for 5-7 years. We are pleased that SB 411 also provides for a one year "warning" period which will provide public agencies time to educate parents about the importance of booster seats and allow parents time to obtain appropriate seats.

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SENATE TRANSPORTATION
COMMITTEE -DATE: 2-26-02
ATTACHMENT: 5



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Kansas Fire Service

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Page Two
Testimony Senate Bill 411
Senate Transportation Committee
February 26, 2002

Senate Bill 411 also increases the fine for violation of the Child Passenger Safety Law from \$20 to \$60. This change brings the fine in line with other standard traffic violation fines which were increased last session. In addition, the bill also recognizes that adolescents also need strong laws to protect them. In 2000, 77% of Kansas adolescents 14 through 17 years of age seated in the second seat when involved in a fatal motor vehicle traffic crash were not wearing seat belts.

We know that strong and reasonable child passenger safety laws, such as SB 411, have been proven effective at increasing restraint use and saving children's lives. The Kansas SAFE KIDS Coalition strongly supports the passage of SB 411 which will provide parents in our state with better guidance on how to protect their children and will send a clear message to motorists that the state considers child safety seat, booster seat and seat belt use necessary for the safety of all of our 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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Attachments:

Kansas SAFE KIDS Coalition Member Organizations
Map of Child Passenger Safety Resources by County in Kansas
Booster Seat Brochure

The Kansas SAFE KIDS Coalition, Inc. is a nonprofit group of over 70 statewide organizations and businesses that have joined to protect Kansas children from unintentional injury-- the leading killer of Kansas kids. Local Coalitions and chapters are located in Anderson, Barber, Clay, Douglas, Ford, Johnson, Marion, Montgomery, Osage, Pottawatomie, and Shawnee Counties, as well as Chanute, Hutchinson, Leavenworth, Manhattan, Norton, Salina, and Wichita. Kansas SAFE KIDS is part of the National SAFE KIDS Campaign.



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Kansas SAFE KIDS Coalition Member Organizations

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Kansas Fire Service

Roseanne Rutkowski
*Kansas State Nurses
Association*

AAA Kansas
American Academy of Pediatrics
American Red Cross - Wichita
Anderson County SAFE KIDS Chapter
Attorney General of Kansas
Barber County SAFE KIDS Chapter
Board of Emergency Medical Services
Brain Injury Association of Kansas
Children's Mercy Hospital
Chanute SAFE KIDS Chapter
Clay County SAFE KIDS Chapter
Dillon Stores
Fire Education Association of Kansas
Fire Marshal's Association of Kansas
Ford County SAFE KIDS Chapter
Hutchinson SAFE KIDS Chapter
Johnson County SAFE KIDS Coalition
Kansas Academy of Family Practice
Physicians
Kansas Association of Counties
Kansas Assoc. of Local Health Dept.
Kansas Assoc. of Osteopathic Medicine
Kansas Association of School Boards
Kansas Chapter International Assoc.
Arson Investigators
Kansas Chiropractic Association
Kansas Congress of Parents and Teachers
Kansas Cooperative Extension 4-H
Kansas Dental Association
Kansas Dept. of Health & Environment
Kansas Dept. of Human Resources
Kansas Dept. of Transportation
Kansas District of Kiwanis International
Kansas Emergency Medical Services
Assoc. Kansas Emergency Nurses
Association
Kansas Farm Bureau
Kansas Head Start Association
Kansas Healthy Start Home Visitors
Kansas Highway Patrol
Kansas Hospital Association
Kansas Insurance Department
Kansas MADD
Kansas Medical Society
Kansas Nat'l Employers for Traffic Safety
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 Firefighters Assoc.
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
Marion County SAFE KIDS Chapter
Montgomery County SAFE KIDS Chapter
NHTSA Regional Office
Norton SAFE KIDS Chapter
Office of the Governor
Osage County SAFE KIDS
Pottawatomie County SAFE KIDS
Safe State Kansas
Safety & Health Council Western MO&KS
Salina SAFE KIDS Chapter
Shawnee County SAFE KIDS Coalition
State Farm Insurance Companies
State Capitol Area Fire Fighters Assoc.
Stormont-Vail Regional Medical Center
United School Administrators of Kansas
Via Christi - St. Francis Burn Center
Western Resources
Wichita Area SAFE KIDS Coalition

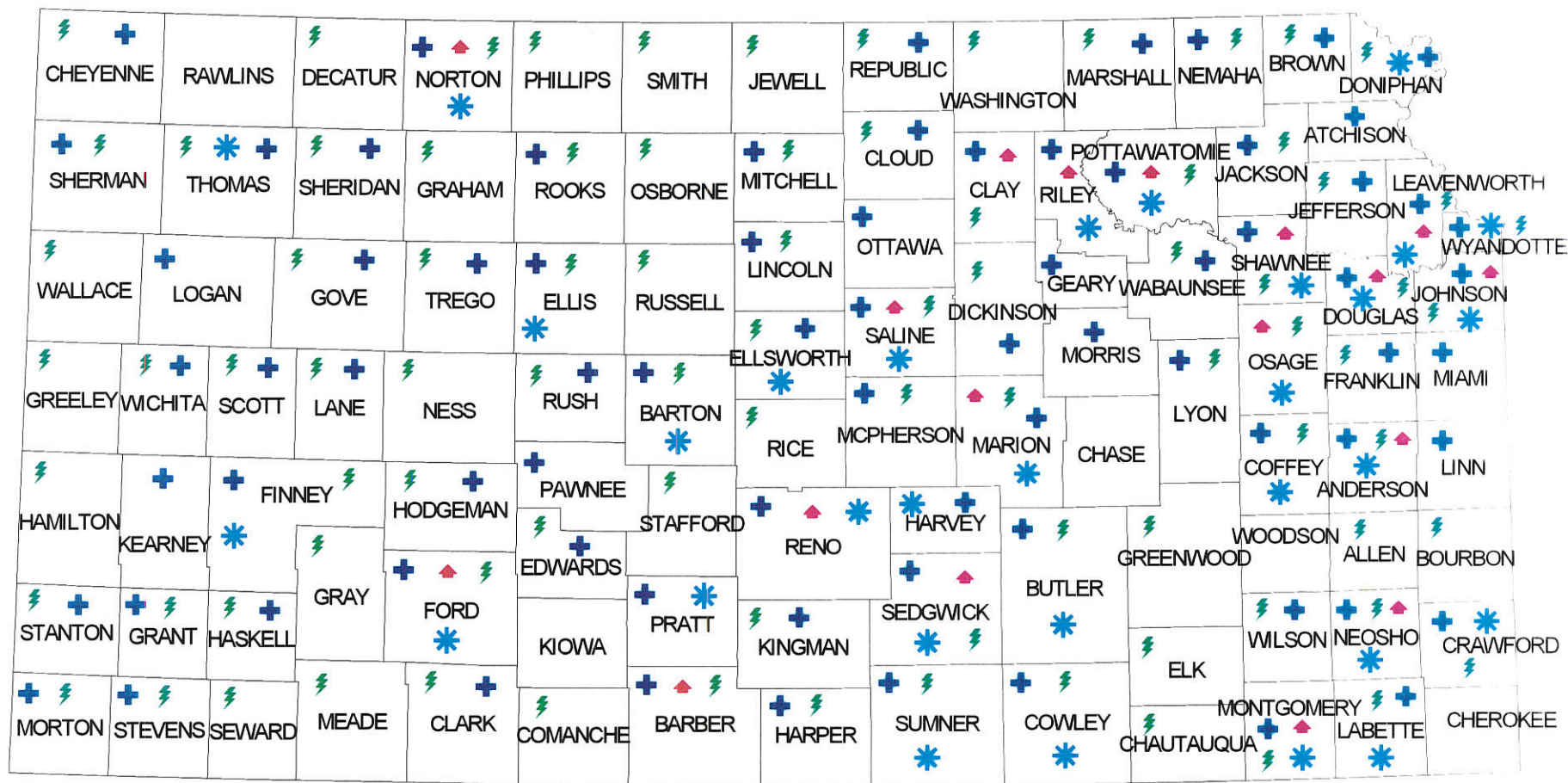
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KANSAS

CHILD PASSENGER SAFETY RESOURCES

5-4



- * Child Safety Seat Check Up Events 1997-2001; Educate, Check For Proper Installation, Provide Safety Seats
- ⚡ Child Safety Seat Distribution Programs-Educate, Check For Proper Installation, Loan And Provide Seats
- ▲ SAFE KIDS Chapters & Coalitions Provide Education And Referrals For Community Resources And Seat Distribution
- ⊕ Trained And/Or Certified Child Passenger Safety Educators

Telephone Counseling by Certified Child Passenger Safety Technician: 800-745-SAFE (Eng) or 800-747-SANO (Spanish)
 SAFE KIDS Hotline: (800) 332-6262-Provides Information on Loaner Programs
www.safekids.org-Provides List Of Scheduled Check Up Events



**KANSAS DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY OF TRANSPORTATION**

E. Dean Carlson
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Bill Graves
Governor

**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE
REGARDING SENATE BILL 411
CHILD PASSENGER SAFETY AND SAFETY BELTS**

February 26, 2002

Mr. Chairman and Committee Members:

I am Rosalie Thornburgh, Chief of the Bureau of Traffic Safety. On behalf of the Kansas Department of Transportation (KDOT), I am here to provide testimony in support of enhanced passenger safety for all minors under the age of 18.

KDOT is convinced that one of the most important contributions to transportation safety would be the proper use of occupant protection by every passenger, in every motor vehicle, every time. No one will argue with the studies that repeatedly conclude the correct use of safety belts and child seats are one of the most effective countermeasures for reducing the risks of injuries and fatalities in motor vehicle crashes.

Currently, Kansas law specifies that all children under the age of four must be in a federally approved child restraint system. For children four years and older, the law then specifies that the child must be appropriately protected with a seat belt.

We now know that children should ride in a child seat beyond age three for appropriate protection. We also know that parents and caregivers rely on state law to provide appropriate guidance. Booster seats are now available to provide a safe transition to lap/shoulder belts. Even though KDOT works hard to disseminate child passenger protection information across the state, an upgrade to the state law would go a long way toward ensuring that all children are properly secured.

For those children affected by this provision, four years old through six years, old state crash statistics indicate that 42 occupants incurred fatal injuries during the years 1990 – 2000. Of those child fatalities, less than one-third were reported restrained.

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This bill further proposes to extend child passenger protection up to the age of 18 by ensuring that those children using seat belts are secured in any seating position in the vehicle and by establishing standard (primary) enforcement. For children affected by this provision, ages 14 through 17, 48 occupants incurred fatal injuries in approximately 15,000 crashes during 2000. Only one-third were reported restrained.

Additional provisions such as increasing the fines are important to creating a comprehensive protection and deterrence approach.

Saving lives and preventing serious injury is the purpose for enhanced child passenger protection. Providing an appropriate and safe transition from infant seats to lap/shoulder belts is important to ensure that the child will continue to use safety belts throughout his/her life.

Statistics prove beyond a shadow of a doubt that buckling up is the single most effective action we can take to reduce our risk of death and serious injury. In addition, the laws of physics and simple human logic tell us we are safer if every passenger remains in their seat rather than being catapulted within or out of the vehicle. Statistics also tell us that the most effective means to reach our objective of increased seat belt usage is a stronger law. Protecting the lives of our children, from infancy through their vulnerable teenage years, is the means to our goal of reducing needless tragedy on Kansas' roadways and thus KDOT supports Senate Bill 411.



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

KDHE Testimony

Testimony on SB 411
to
Committee on Transportation
Testimony Submitted by Julie F. Sergeant
Kansas Department of Health and Environment

February 26, 2002

Chairperson Donovan, and members of the Committee on Transportation, Kansas Department of Health and Environment is honored to present this testimony in support of SB 411.

SB 411 will save Kansas lives. Unintentional injuries kill more Kansans than any other cause, and motor vehicle traffic crashes comprise 48% of these unintentional injury deaths.¹ Passenger restraint systems (child safety seats, booster seats, seat belts) accompanied by safety belt use laws are an effective means of reducing deaths due to traffic crashes.^{2 3}

Statewide, Kansas routinely experiences more motor vehicle crash deaths than the national average. The figures attached to your copy of this testimony illustrate 1) the state and national trends and 2) the Kansas counties with the highest death rates from motor vehicle crashes. National public health priorities outlined in *Healthy People 2010* include objectives addressing these issues.

Two age groups at risk for motor vehicle traffic deaths will benefit most from this legislation: early elementary and high school. The following statistics highlight the importance of ensuring that Kansas motor vehicle safety legislation covers these two populations:

- Only 33% of high school students report they always wear seat belts when riding with someone else.⁴

¹ Centers for Disease Control and Prevention (2001). *Fact Book and State Injury Profile for Kansas: Year 2000*. Atlanta, GA: CDC.

² Centers for Disease Control and Prevention (2002). *Injury Fact Book: 2001 - 2002*. Atlanta, GA: CDC.

³ Rivara, F.P., Thompson, D.C., & Cummings, P. (1999). Effectiveness of primary and secondary enforced seat belt laws. *American Journal of Preventive Medicine*. 16(1 Suppl): 30-9.

⁴ Centers for Disease Control and Prevention (2002). *Injury Fact Book: 2001 - 2002*. Atlanta, GA: CDC.

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- In 2000, 77% of Kansas adolescents 14-17 years of age seated in the second seat when involved in a fatal motor vehicle traffic crash were not wearing seat belts.⁵
- Teens are more likely than older drivers to underestimate the dangers in hazardous situations, and they have less experience coping with such situations.⁶
- 10% of Kansas children ages 5-9 fail to always use a safety seat or safety belt, according to parent report in a statewide telephone survey.⁷

It is estimated that \$1.00 spent on child safety seats saves \$32.00.⁸ In addition to improved quality of life for Kansans, this legislation will result in reduced costs for insurance, programs such as the Medicaid Brain Injury Waiver Program that serve citizens with a traumatic brain injury, and health care such as hospitalizations.

I thank you for the opportunity to provide this information to the committee and will gladly respond to any questions the committee may have on this topic.

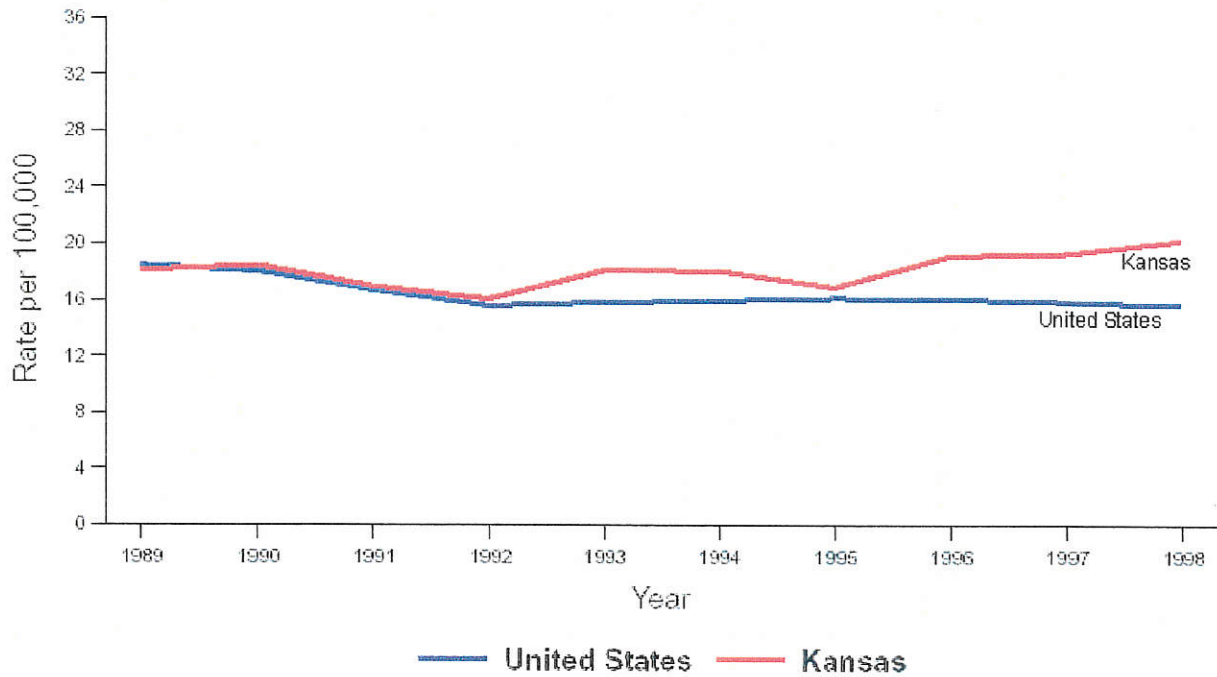
⁵ National Highway Traffic Safety Administration (2000). Fatal Analysis Reporting System (FARS).

⁶ Centers for Disease Control and Prevention (2002). *Injury Fact Book: 2001 – 2002*. Atlanta, GA: CDC.

⁷ Kansas Department of Health and Environment, Behavioral Risk Factor Surveillance System, 1999.

⁸ Centers for Disease Control and Prevention (2001). *Fact Book and State Injury Profile for Kansas: Year 2000*. Atlanta, GA: CDC.

United States and Kansas 1989-1998



Motor vehicle deaths, 1989 – 1996

Source: Injury Profile for Kansas: 2001-2002
National Center for Injury Prevention and Control, CDC

Mortality Related to Motor Vehicle Crashes in Traffic Kansas, 1989-1998

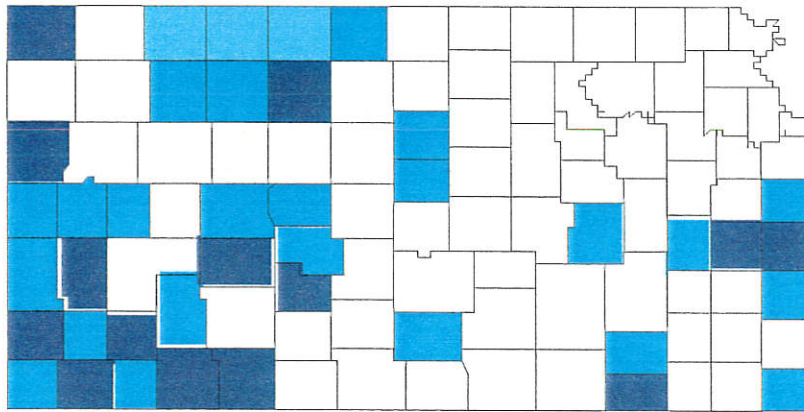
466 Kansas Deaths/Year

Age Adjusted Rates

- US 16.4 per 100,000
- KS 18.1 per 100,000

This comparison indicates

45 excess deaths/year in Kansas



Crude Death Rates

- Under 30 Deaths per 100,000
- 30-39 deaths per 100,000
- 40 and above deaths per 100,000

Data Source: Office of Analysis and
Epidemiology, National Center for Health
Statistics, Center for Disease Control and
Prevention

STATE CHILD DEATH REVIEW BOARD



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State Registrar
Topeka

David Klamm, Senior Special Agent
KBI
Wichita

February 26, 2002

Senator Les Donovan
House Transportation Committee
State Capitol
Topeka, KS 66612-1504

Dear Chairman Donovan and Members of the Senate Transportation Committee:

The State Child Death Review Board (SCDRB) strongly supports Senate Bill 411. The bill would close some of the gaps in the current child passenger safety law by:

- requiring that children from age four to seven or 40 to 80 pounds ride in a seat belt positioning booster seat;
- eliminating the exemption of a violation when the number of child passengers exceeds the number of seat belts in the vehicle; extending the requirement for 14 to 18 years olds to wear a seatbelt; and
- increasing the fine for a violation from \$20 to \$60.

SCDRB statistics reveal that more Kansas children ages one through 17 die in motor-vehicle crashes than from any other cause of death. Car crashes are the leading cause of unintentional-injury deaths among all children through age 17.

Parents often don't realize they need to alter the type of safety restraints they use as children grow. According to National Highway Transportation Safety Administration and the American Academy of Pediatrics, adult safety belts do not adequately protect small children (about 40 to 80 pounds) from injury in a crash. According to the National Highway Traffic Safety Administration (NHTSA), booster seats, properly used, can help prevent injury to older children by making adult seatbelts fit properly. However, NHTSA surveys show that less than seven percent of these children are using booster seats. Strong child occupant protection and safety belt use laws, along with aggressive enforcement, are proven effective at increasing restraint use and reducing injuries and fatalities.

Additionally, provisions in the bill specifically address one of the prime risk groups for fatality crashes related to non-use of seatbelts: namely, young teen drivers and passengers. Data from the SCDRB indicate that teens, ages 15 through 17, accounted for 50 percent of the 422 motor vehicle fatalities reviewed by the SCDRB from 1994 through 1999.

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SCDRB 2

Among children less than 14 years of age, 46 percent of children killed in motor vehicle crashes were unrestrained. Among 15 through 17 year old victims of fatal car crashes, 74 percent were not using safety restraints. For this reason, it is clear that extending primary enforcement for seatbelt use to age 17 can have a significant impact on the number of injuries and fatalities among older teens.

This enhanced child passenger safety legislation, combined with loaner programs, ongoing education efforts and strong enforcement, will help reduce needless injuries and fatalities of our Kansas children.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
CARLA J. STOVALL

A handwritten signature in cursive script, appearing to read "Carolyn Ward".

Carolyn Ward
Executive Director, SCDRB