

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary Hayzlett at 1:30 p.m. on February 12, 2003 in Room 519-S of the Capitol.

All members were present except:

Representative Mary Compton
Representative Jerry Henry
Representative Kenny Wilks

Committee staff present:

Bruce Kinzie, Revisor
Hank Avila, Legislative Research Department
Mary Galligan, Legislative Research Department
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Bob Bethell
Rosalie Thornburgh, Chief, Bureau of Traffic Safety, KDOT
Sgt. Rusty James, Traffic Safety Unit, Lenexa Police Department
Second Lt. John Eichkorn, Kansas Highway Patrol
Martin Berneking, Secretary of Kansas State Troopers Association
Alex Petigna, Sgt. of Arms, Kansas State Troopers Association

Others attending:

See attached list

HB 2120 Unattended motor vehicle, remote starter system exception

Vice-Chairman Faber opened hearings on **HB 2120** and introduced Representative Bob Bethell who explained what the passage of this bill would mean. (Attachment 1) Kansas law provides that an owner of an automobile may not leave a vehicle with its engine running unattended. According to Representative Bethell this law does not take into consideration the advances in technology that now allow for remote starters that are theft proof. A remote starter without the ignition key in place will lock the doors, start the engine and if the vehicle is broken into and an attempt to move the vehicle is made stops the engine and cannot be restarted until a key is properly placed in the ignition switch. **HB 2120** would amend the statute to allow the use of the remote starter and secure the vehicle from theft.

There being no other proponents and no opponents, Representative Bethell responded to questions from the Committee. Chairman Hayzlett, who took over Chairship of the Committee, closed the hearing on **HB 2120**.

HB 2119 Enforcement of safety belt law

Chairman Hayzlett opened hearings on **HB 2119** and called upon Rosalie Thornburg, Chief of Traffic Safety for KDOT as the first proponent. Ms. Thornburg spoke in support of this bill which she felt would provide more flexibility to law enforcement in issuing seat belt citations. (Attachment 2) She told the Committee KDOT supports this legislation and believes it will result in greater seat belt use but more importantly, through increased targeted enforcement efforts, passage of this legislation will contribute to the public safety of Kansas motorists.

The second proponent was Sgt. Rusty James, who along with other officers from the Lenexa Police Department are members of Operation Impact which is a cooperative, multi-jurisdictional, group of law enforcement agencies throughout the Kansas City Metro area. He was representing agencies and officers involved in Operation Impact. (Attachment 3) This group spends a considerable amount of time educating the motoring public about the importance of using seat belts and child safety seats. Sgt. James asked the Committee for support for **HB 2119** which would strengthen Kansas' secondary seat belt law

CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE at on February 12, 2003 in Room 519-S of the Capitol.

and allow law enforcement officers to educate the public and enforce the law. By passing **HB 2119** he felt Kansas should see an increase in the seat belt usage rate which would result in a reduction in the number of injuries and deaths as a result of crashes.

The next proponent was Second Lieutenant John Eichkorn who spoke in support of **HB 2119** on behalf of Colonel Don Brownlee and the Kansas Highway Patrol. (Attachment 4) Lt. Eichkorn said enforcement officers know the benefits of safety belts through first-hand experience investigating accidents and that the Patrol believes that a combination of education and enforcement will increase seat belt use, save lives, and decrease injuries. He said currently law enforcement officers can only issue a citation for a seat belt violation after observing and issuing a citation for a separate violation, such as speeding or improperly changing lanes. He concluded by saying the Patrol would like to make a recommendation for the Committee to consider. Currently the statute sets the fine for violating the seat belt law at \$10, which includes court costs. When the Legislature tripled fines two years ago to bring them in line with other states' fines, this statute was not affected. The patrol recommends the Committee consider adding the standard court costs to the existing \$10 fine. By doing so, issuing a citation for this violation by itself would be uniform with how most traffic citations are written and costs are assessed.

The Chairman recognized Master Trooper Martin Berneking with the Kansas Highway Patrol who also urged support for **HB 2119**. (Attachment 5) According to Master Trooper Berneking during the last quarter of 2002, the KHP issued approximately 5,000 citations for failure to wear a seatbelt. Another 7,000 warnings were issued. Of these 7,000 warnings issued, the majority of these would have been citations had a primary violation not been required to be issued. He concluded that seat belts are the single most effective safety device in preventing serious injuries and reducing fatalities in motor vehicle crashes having saved an estimated 10,000 lives alone each year.

The next proponent was Alexander Petigna on behalf of Kansas State Troopers Association to support passage of **HB 2119**. (Attachment 6) Master Trooper Petigna recalled, as a child, standing in the seat of his parents '65 Dodge Polara while driving down the highway at 70 miles per hour. On occasion his parents would extend their arm to restrain him to the seat. Master Trooper said given those circumstances, if he works a death or injury accident involving a youngster, the charge will be child endangerment - not failure to restrain a child. Because it is common knowledge and common sense that seat belts save kids lives. Part of his testimony included an excerpt from Ralph Nader's book titled "Unsafe at Any Speed".

Written testimony was also provided by MADD (Mothers Against Drunk Driving) in support of **HB2119**. (Attachment 7)

There were no other proponents and no opponents.

Following questions from the Committee Chairman Hayzlett closed the hearings on **HB 2119**.

Since there were no opponents, and with no objection from the Committee, Chairman Hayzlett called for final action on **HB 2120**. Representative Beggs made a motion to pass HB 2120 favorably, seconded by Representative Huff and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:45 p.m. The next meeting of the House Transportation Committee will be held on Monday, February 17, 2003.

HOUSE TRANSPORTATION COMMITTEE

DATE February 12, 2003

NAME	REPRESENTING
Shay Ravenport	KMCA
Walter Johnson	KDOT
Bob Bethell	House
RUSTY JAMES	Lawrence Police Dept.
Eden Detrixhe	Kansas Highway Patrol
Alex Petigas	Kansas Highway Patrol
Martin W. Berneking	Kansas State Troopers Assoc.
SCOTT SCHNEIDER	Alliance of Automobile Mfrs.
JOHN EICHKORN	KHP
HERMAN JONES	KNP
Barbara Meyer	—
Brian Oliveras	

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TOPEKA

Testimony on HB 2120

Chairman Hayzlett and members of the Committee on Transportation, thank you for the opportunity to appear before you concerning HB 2120.

I am here in support of HB 2120 and I would like to explain what is accomplished by the passage of this bill. Kansas law states that an owner of an automobile may not leave a vehicle with its engine running unattended. I do understand the problem that is created when a vehicle is left unattended with the keys in the ignition.

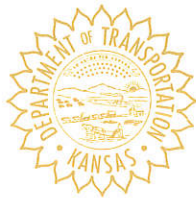
This law however does not take into consideration the advances in technology that now allow for remote starters that are theft proof. A remote starter without the ignition key in place will lock the doors start the engine and if the vehicle is broken into and an attempt to move the vehicle is made stops the engine and cannot be restarted until a key is properly placed in the ignition switch.

HB 2120 would amend the statute to allow the use of the latest technology and secure the vehicle from theft at the same time.

Thank you for this opportunity and I urge you to support HB 2120 and that you recommend it be passed favorably.

I will stand for questions.

House Transportation
Date: 2-12-03
Attachment # 1



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

Deb Miller
Secretary of Transportation

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Kathleen Sebelius
Governor

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2119
ENFORCEMENT OF THE SAFETY BELT USE ACT**

February 12, 2003

Mr. Chairman and Committee Members:

I am Rosalie Thornburgh, Chief of Traffic Safety for the Kansas Department of Transportation. Thank you for the opportunity to testify today. On behalf of the Department, I wish to voice support of this proposal to provide more flexibility to law enforcement in issuing seat belt citations.

The Kansas Department of Transportation, in partnership with law enforcement agencies and others in the state, diligently strive to encourage motorists to use seat belts. Seat belt use has been identified as one of the most important actions a passenger can take to prevent serious and fatal injuries. Seat belt use reduces the risk of severe injury or death by 50 percent. Studies have shown that a strong law coupled with education and strong enforcement does result in increased safety belt use.

Over the last few years Kansas has stalled in the use of seat belts, currently at 61 percent. When four out of ten front seat occupants are still not buckling up and when three-fourths of the people who die on Kansas roadways die unbuckled*, it is apparent that more needs to be done. Consistent, aggressive enforcement is critical at this juncture. Many local law enforcement agencies have demonstrated their willingness to make safety belt enforcement a priority by participating in our specialized traffic enforcement programs. This proposal would support those agencies and enhance their efforts, by giving them the discretion to issue a seat belt citation without having to issue a citation for the primary offense.

KDOT supports this legislation and believes that it will result in greater seat belt use. But more importantly, through increased targeted enforcement efforts, passage of this legislation will contribute to the public safety of Kansas motorists.

*In 2001 436 deaths occurred, 102 were reported restrained by police – KARS 2001.

House Transportation
Date: 2-12-03
Attachment # 2

ELLEN T. HANSON • CHIEF OF POLICE



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February 11, 2003

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 the Lenexa Police Department, and law enforcement throughout the Kansas City Metro area. Officers from the Lenexa Police Department are members of 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. Law enforcement officers throughout the Metro are supportive of a stronger seat belt law in the State of Kansas.

The State of Kansas has a secondary seat belt law. I am here to ask for your support for House Bill 2119, which would strengthen this law. However, I would hope that the State of Kansas would consider 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 serious about enforcing this law." The idea behind all traffic laws should be to educate the public, and to change driving behavior. This should be an educational process for all drivers from the time that they begin driving.

As you know, the use of seat belts has been identified as one of the most important things that a vehicle occupant can do to reduce the risk of serious injury or death. Seat belts reduce the risk of serious injury or death by 50 percent.

The current seat belt usage rate in Kansas is approximately 61%. In states where a primary seat belt law is in place, there is an almost immediate 10% to 15% increase in the usage rate. That would put the usage rate in Kansas at 71% to 76% with the passage of a primary seat belt law.

House Transportation
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Attachment # 3

Although the current bill being considered is not a primary law, it would undoubtedly help to increase the usage rate in Kansas. This would mean a drastic decrease in the number of fatalities, and the number of serious injuries.

I am speaking to you today 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 several years. In all but one of the fatality accidents that we have investigated, the victims were unrestrained in the vehicle. Two of these accidents involved the death of children. In those two accidents, the drivers 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 seat belt laws. Stronger seat belt laws are 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.

I am here to ask for your support for a stronger seat belt law for the State of Kansas. This would allow law enforcement officers to educate the public and enforce the law. By passing House Bill 2119, Kansas should see an 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.

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.

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

Kathleen Sebelius
Governor



Col. Donald W. Brownlee
Superintendent

**Kansas Highway Patrol
Summary of Testimony on HB 2119
For the House Transportation Committee
By Second Lieutenant John Eichkorn
February 12, 2003
1:30 p.m. – 519S**

Good afternoon, Mr. Chairman and members of the committee. My name is John Eichkorn, and I am here on behalf of Colonel Don Brownlee and the Kansas Highway Patrol to support House Bill 2119.

Kansas' law enforcement officers know the benefits of safety belts through first-hand experience investigating accidents. In fact, this week is National Child Passenger Safety Awareness Week, and troopers are working very hard to focus on enforcing seat belt and child occupant protection laws. The Patrol believes that a combination of education and enforcement will increase seat belt use, save lives, and decrease injuries.

Currently, law enforcement officers in Kansas can only issue a citation for a seat belt violation after observing and issuing a citation for a separate violation, such as speeding or improperly changing lanes.

For example, an officer stops a driver for a broken taillight, which would usually result in a warning, and notices that the front seat occupants are unbuckled. Under current law, the officer cannot issue a warning for the taillight and a citation for the seat belt violation. In order to issue a ticket for the seat belt violation, he or she must cite the driver for both violations.

While the officer is very aware of the dangers unbuckled occupants face, he or she may feel reluctant to issue two tickets to someone who is now looking at the expense of fixing a broken taillight. The officer is likely to give the driver two warnings instead of two citations. Situations like this weaken traffic safety and ultimately lead to lower seat belt usage rates for Kansas.

Overall, the secondary citation statute hinders the ability of law enforcement to encourage widespread use of safety belts. That is why the Patrol strongly supports amendments made by House Bill 2119.

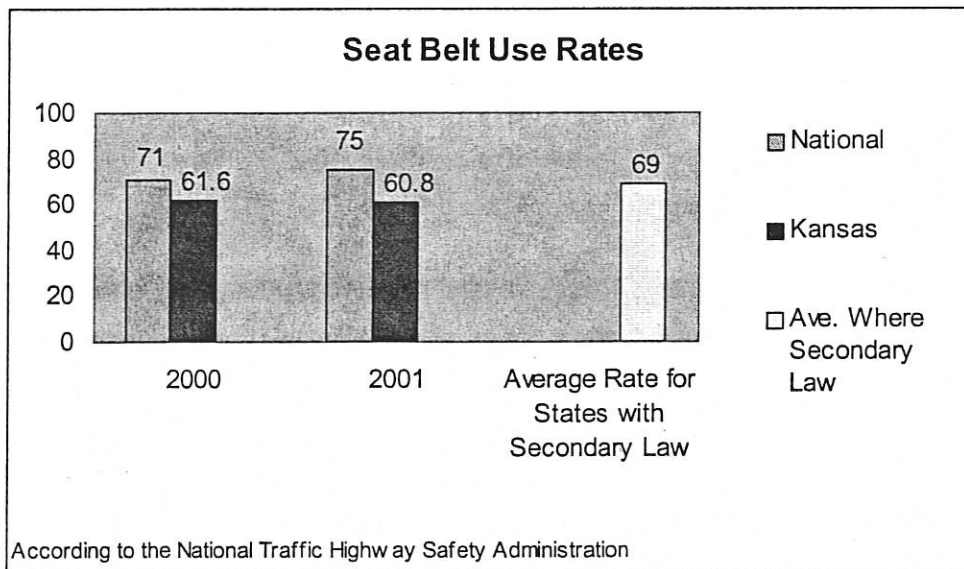
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House Transportation
Date: 2-12-03
Attachment # 4

Kansas law enforcement officers would like to have the tools needed to encourage voluntary compliance with occupant protection laws. It is important that they be able to spread that message by enforcing the law directly, without a secondary citation statute. A stronger law would demonstrate how serious occupant protection really is.

In closing, the Patrol would like to make a recommendation for the committee to consider. Kansas Statute 8-2504 currently sets the fine for violating the seat belt law at \$10, which includes court costs. When the Legislature tripled fines two years ago to bring them in line with other states' fines, this statute was not affected. We recommend the committee consider adding the standard court costs to the existing \$10 fine. By doing so, issuing a citation for this violation by itself would be uniform with how most traffic citations are written and costs are assessed.

Mr. Chairman and members of the committee, the Patrol has countless hours of hands-on experience with traffic accidents. Troopers know how seat belts save lives and minimize injuries, and they can tell you stories of the tragedies that have resulted because Kansans were traveling unrestrained. Many of these gruesome experiences will live forever in our minds, down to the last details. Many times, even smells and touches are as clear years later as they were on those tragic days. On behalf of the Patrol and Kansas' other law enforcement officers who genuinely want Kansans to buckle up, I urge you to consider our recommendation and ultimately pass House Bill 2119 out of committee.



Not only is Kansas' seatbelt usage rate below the national average, but it also decreased between 2000 and 2001. Kansas' seatbelt usage is only higher than five other states' rates, and it is lower than the average seat belt usage rate for states with secondary enforcement laws, 69 percent.

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Thank you for allowing me to come speak with you today. My name is Master Trooper Martin Berneking with the Kansas Highway Patrol. It is a pleasure to be here to speak on such an important public safety issue. SEAT BELTS DO SAVES LIVES as I have seen in my 20 years as a Trooper. Many of the traffic fatalities that I have worked could have been prevented had the occupant of the vehicle stopped for one second and place that belt across their lap and chest. We as humans, are creatures of habit and getting into the habit starts at an early age.

Children learn by example. An adult who buckles up serves as a positive role model for those children who will be making their own seatbelt decisions soon.

Why do we have traffic laws...to provide safety for our citizens and those who travel our roadways? Speed kills and injures. Speed leads to traffic crashes. Why do we have seatbelts in vehicles? Because they save lives. Isn't that fact enough?

During the last quarter of 2002, the KHP issued approximately 5,000 citations for failure to wear a seatbelt. Another 7,000 warnings were issued. Of these 7,000 warning issued, the majority of these would have been citations had a primary violation not been required to be issued.

Look at the cost of health insurance...they continue to rise. Savings in Medicare and Medicaid if everyone wore a seatbelt would be 350+ million each year.

Seat belts are the single most effective safety device in preventing serious injuries and reducing fatalities in motor vehicle crashes having saved an estimated 10,000 lives alone each year.

Ejection from the vehicle is one of the most injurious events that can happen to a person in a car crash. In fatal crashes, 75 percent of passenger car occupants who were totally ejected were killed.

Children are also affected by the lack of proper safety restraint. In a recent study of 550 vehicle occupant fatalities among children under five years of



age, an estimated 291 (53%) were totally unrestrained. While this number is still unacceptably high, the national goal of reducing fatalities among children five and under by educational groups such as The Buckle Up American Campaign and the ACTS (Automotive Coalition for Traffic Safety) was met one year early with a 15% increase in children using safety belts.

The child restraint law is a primary violation. I believe that because another violation does not need to occur and a citation issued before a law enforcement officer can cite a person under the child restraint law, that this is proof that being able to issue a citation for a seatbelt violation only will help save countless lives.

SEAT BELTS DO SAVE LIVES AND WE AS TROOPERS MAKE IT OUR BUSINESS TO SERVE AND PROTECT. SEATBELTS DO PROTECT. WE ARE ASKING THAT YOU SUPPORT THS BILL TO HELP AID OUR ENFORCEMENT OF THE SEAT BELT LAW AND TO HELP THE COUNTLESS CITIZENS WHOSE LIVES WILL BE SAVED BY THIS LAW.





KANSAS STATE TROOPERS ASSOCIATION

**Summary of Testimony on HB 2119
For the House Transportation Committee
By Master Trooper Alexander Petigna
February 12, 2003
1:30 p.m. – 519S**

Good afternoon, Mr. Chairman and members of the committee. My name is Alexander Petigna, and I am here on behalf of Kansas State Troopers Association to support House Bill 2119.

I'm considered by the younger Troopers to be an "old guy". I have 18 years of experience. In the 15 years as a Trooper, I've worked many accidents. I'm here to tell you that many of those accidents caused needless harm to occupants because of three things: Driving under the influence, excessive speed and forgetting or refusing to Buckle Up.

When I was just a small boy, my parents had a '65 Dodge Polara with huge bench seats. I vividly remember standing in the middle of the front seat, while cruising down the highway at 70 miles per hour. Occasionally, while driving, my mother or father would extend their own arm, to restrain me, to the seat. Does this bring back memories to any of you?

By today's standards, this sounds utterly stupid? I assure you, given those circumstances, if I work a death or injury accident involving a youngster, the charge will be child endangerment. Not, failure to restrain a child. Why? Because it's common knowledge and common sense that car seats save kids lives. In my opinion, House Bill 2119 has the same approach. We now know seatbelts save lives and even more probable save people from disabilities and disfigurement. These are facts.

When I get into a car the seat belt is second nature to me. I want to be in full control of the car at all times, in all conditions. I don't concur with the classic line all troopers have heard, "You know, if I get into a bad wreck, I want to be thrown clear of the car!" It is utterly inconceivable why anyone would want to be thrown through a windshield, door or window. It's simply impossible for someone ejected from a vehicle, not wearing a seat belt, to be unharmed.

In 1965, Ralph Nader wrote a book called *Unsafe at Any Speed*. He targeted General Motors for building an unstable vehicle, know as the Corvair. Because of his research by 1966, the Nations highway and auto safety laws had significantly increased. That year, the National Highway Traffic Safety Administration (NHTSA) was born. By 1967, the first 30 safety standards such as laminated windshields, collapsible steering wheels, enhanced door

February 11, 2003



KANSAS STATE TROOPERS ASSOCIATION

locks and **lap belts** were instituted. Shoulder harnesses and head restraints followed in 1968 & 1969. Ladies and Gentleman, that was 36 years ago and we're still belaboring the issue. There's no arguing the validity of the facts. The question is whether or not we choose to accept them?

For years I've experienced countless unnecessary injury and fatality accidents because some one didn't "*click it*". This is a "common sense" answer to the problem. Don't take my word for it. Type the word "seatbelt" into the search engine of any computer and examine the issues for yourselves. See if you can make a convincing argument against mandatory restraints. Accidents are survivable incidents and the only lingering effects should be the memory of them.

Respectfully,

A handwritten signature in cursive script that reads "Alexander Petigna".

Alexander Petigna, Sergeant of Arms
Kansas State Troopers Association

History

From *CITIZEN ACTION AND OTHER BIG IDEAS, A History of Ralph Nader and the Modern Consumer Movement*, by David Bollier

Chapter 1: The Beginnings

Chapter 2: Nurturing the "Consumer-Side" Economy ...

Chapter 3: The Office of Citizen

Chapter 4: Let the Information Flow

Chapter 5: Corporate Abuses, Consumer Power

Chapter 6: The Art of Public Interest Litigation

Chapter 7: The Politics of Health

Chapter 8: The Consumer Movement Expands

Unfortunately, all too often during the Reagan years, OSHA would issue new standards only after Public Citizen had filed a petition. Then it would unreasonably delay action and, only with further prodding, issue the weakest possible standard that could survive a court challenge.

Beyond union democracy and occupational safety and health, the consumer movement has been a strong ally, and sometimes the leader, in other key labor issues such as plant closing notification legislation and stronger protections for whistleblowers. Just as other Nader books have celebrated the individual citizen trying hard to make a difference -- *Proudly We Hail* (Kenneth Lasson, 1975) and *Women Activists* (Anne Witte Garland, 1988) -- so *The Workers* (Kenneth Lasson, 1971) profiled nine workers in an attempt to communicate their hurts and hopes to a broader public.

If the consumer movement has often been a welcome friend to unions, it has also been a irritating critic on occasion. To the consternation of some unions, Dr. Wolfe published reports in 1976 and 1983 showing deficient leadership on health and safety issues among several major labor unions. And Congress Watch has parted company with labor in opposing the current system of campaign financing. The honest differences only serve to highlight the consumer movement's overriding and independent commitment to democratic citizenship in the workplace and worker health and safety -- even though this differs from the priorities the union leadership may have set.

4. Making the Automobile Safer

From 1899 when the first automobile death occurred until passage of the federal auto safety law in 1966, the safety of automobiles was essentially a matter for private, corporate decision-making. The results were sobering. Motor vehicle crashes had resulted in approximately two million peoples' deaths and nearly 100 million injuries, a total three times the combat losses suffered by the United States in all wars. Had the unregulated automakers seen fit to design and engineer safer vehicles, a substantial number of those casualties could have been prevented.

This, of course, was one of the chief insights of Nader's 1965 book, *Unsafe at Any Speed* and the indictment so bitterly resisted by Detroit. General Motors was so hostile to the most simple safety improvements that its president, Frederic G. Donner, told Congress in 1965 that turn signals and seat belts ought to remain optional features. GM even resisted installing seat belt anchorages and fittings as standard equipment, to allow individuals to install seat belts on their own.

Given this cavalier mentality, it is not surprising that a strong consumer demand for safety had trouble materializing. Due largely to the oligopolistic structure of the auto industry, consumers had little or no opportunity to purchase safety, even had they possessed information enabling them to express their preferences. The industry enjoyed a consumer Catch-22: the absence in the marketplace of safety alternatives kept consumers ignorant of such possibilities, and uninformed consumers could not demand reform. It was not surprising that the industry spent minuscule sums on research and testing of safety innovations. It was far more profitable to concentrate on superficial styling changes, "muscle car" features and psychosexual marketing campaigns.

The publication of *Unsafe at Any Speed*, GM's investigation of Nader, the public apology at Senate hearings, and the 1966 auto and highway safety laws profoundly accelerated the pace of auto safety innovation. Now there was a formal governmental body, the National Highway Traffic Safety Administration (NHTSA), to assert federal leadership in auto and highway safety. The agency was empowered to set minimum, uniform safety performance standards for all motor vehicles, and to require automakers to notify owners whose cars contained safety-related defects. States, for their part, were given a new role to play in setting minimum safety standards for highway safety.

The first 30 safety standards, issued in 1967 and designed to improve a car's crashworthiness and crash avoidance, were largely invisible to the untutored car buyer. They included such simple items

as laminated windshields to absorb head impact energy and prevent heads and necks from being slashed; collapsible steering assemblies to cushion the trauma to the upper body; enhanced door locks to keep occupants from flying out of the car in a crash; seat anchorages to prevent bodies from smashing into the roof; and lap belts. Tire safety standards were also issued in 1967; shoulder harnesses in 1968; head restraints to prevent whiplash in 1969; side-impact protection standards in 1973; and new standards to protect fuel tanks from exploding in crashes went into effect in 1977. Automakers fought to eliminate or weaken virtually all these new safety improvements, but Nader, the Center for Auto Safety and individual engineers and bureaucrats helped push them through the regulatory process.

One of the most significant safety innovations instigated by Nader and the consumer movement was federal authority to force automakers to recall motor vehicles with potential safety defects. Before 1966, automakers occasionally conducted secret, *ad hoc* recalls for motorists who happened to bring in their cars for other reasons. Automakers considered the repairs "customer goodwill adjustments," and made no mention of safety defects. Now, automakers are forced to formally inform each car owner by individual letter about recalls, and the agency began giving them wide publicity. In the Carter years, the agency instituted a toll-free hotline number (800-424-9393) to help car owners learn whether any vehicle or vehicle component had been recalled and issued consumer alerts. Since its creation, manufacturers have had to recall more than 100 million motor vehicles and components with potentially dangerous defects. Untold thousands of lives have been saved from such products as the Firestone 500 radial tire (prone to blowouts), the Ford Pinto (gas tanks that may explode in crashes, accelerators that may stick) and 1965-1969 Chevrolets (defective front engine mounts).

From 1977 to 1980, the art of promoting auto safety reached new heights when President Carter appointed long-time Nader associate Joan Claybrook to head the NHTSA. Claybrook greatly strengthened the agency's research, upgraded the defects-investigation and recall program, and generated new consumer information (such as 35 mph crashworthiness tests, tire performance ratings and *The Car Book*, a consumer guidebook with comparative car data). Claybrook also revived a program to demonstrate the feasibility of new auto technologies, helping create a prototype vehicle suitable for mass production that can crash without inflicting injury in 50 mph frontal crashes while still being attractive, comfortable, affordable, fuel-efficient and low-polluting.

Under Claybrook, the NHTSA also issued standards to improve frontal crash protection through installation of air bags and automatic belts; to improve the damage resistance of bumpers; prevent tampering with odometers; extend steering column protections to vans and light trucks; and improve seat belt comfort and convenience, among others. The agency also took the lead in defending the 55 mph speed limit for safety and fuel-economy reasons; promoting state legislation for mandatory child safety seat use (which has dramatically cut child passenger fatalities); the passage or retention of state motorcycle helmet laws to help reduce the 4,500 deaths and 200,000 motorcycle injuries each year; and numerous programs to curb drunk driving.

By far the most important and hard-fought auto safety innovation achieved by Nader and the consumer movement is the automatic crash protection standard, which requires air bags or automatic seat belts in new cars. First proposed in 1969, the standard has been issued three times, revoked twice and subjected to the "regulatory equivalent of war," in the words of the Supreme Court. One reason for the prolonged battle, explained *The New York Times*, is that "American auto makers, always ready to underestimate consumer sophistication and ever resentful of interference by Government, oppose air bags because they would give regulation a good name." After relentless advocacy by Nader and Claybrook, often joined by key auto insurers, and numerous bouts of congressional action and court litigation, the standard was finally issued in 1984 to take full effect in 1990 models. One influential milestone was getting the Government Services Administration to use its purchasing power to request bids on 5,000 air bag-equipped cars for the government's fleet -- an order that Ford Motor Company won.

By itself, this crash protection standard is expected to save between 9,000 and 12,000 lives and 150,000 serious injuries a year.

By 1992, 126 car models were being sold with driver-side air bags, a number that is expected to swell as more automakers discover the marketing appeal of air bags, anti-lock brakes and other safety features. Air bags are expected to be virtually a standard auto feature by the 1994 model year.

Apart from the periodic auto safety crusades waged by Nader and Claybrook, the most aggressive institutional voice for auto safety is the Center for Auto Safety, headed by attorney and engineer Clarence Ditlow. (In 1972, the Center ended its formal ties to Nader and Consumers Union and became independent.) In scores of instances, the Center's 13 staff members have instigated auto recalls, initiated class-action lawsuits against automakers and lobbied Congress for stiffer auto and highway safety protections. It works to identify likely defects and then publicizes the problem and pushes NHTSA to take action. Among its targets: Ford ambulances whose engines were catching on fire, power steering failures in GM cars, brake defects on Toyota Camrys, defective power windows in Jeep wagons that were strangling children, defective Ford Pinto gas tanks that could explode upon impact, and defective Firestone 500 radial tires that were linked to at least fifty deaths and several hundred injuries.

On behalf of consumers, the Center monitors the Federal Trade Commission's enforcement of "lemon law" warranties and the Environmental Protection Agency's leadership of the auto fuel efficiency and auto emissions programs. It provides technical assistance to product liability attorneys and auto safety information to its 11,000 members through its newsletter, *The Lemon Times*, and numerous books.

Although the success of auto safety reforms can be counted in statistics -- over 100,000 lives saved and millions of injuries prevented since 1966 -- some of the most profound transformations cannot be quantified. Consumers are now more knowledgeable about car safety, and the industry more often labors to sell safety features. Chrysler President Lee Iacocca, one of the most ardent foes of auto safety, now supports air bags and appears in full-page newspaper ads touting "The Car Buyer's Bill of Rights." The burgeoning publicity about auto safety -- the advertisements, test crash videos, and consumer group agitation -- has continued to fuel the momentum for further improvements. The new frontiers for motor vehicle safety will be improvements in the structural safety of cars, especially in side-impact, head-impact and rollover crashes; and design changes to make motor vehicles less dangerous to pedestrians.

The auto safety movement among consumers is also beginning to motivate insurance companies to pay more attention, with their formidable political and economic muscle, to loss prevention. It is far better to reduce their claims by advocating measures and enforceable standards to reduce fatalities, injuries and property damage on the highways than to take away the legal rights of victims to have their day in court.

A promising effort in this regard, Advocates for Highway and Auto Safety, was announced in October 1989 by a coalition of insurance companies, consumer groups, health care professionals, disability rights activists, and law enforcement officials. By bringing together the chief activists on the issue, Advocates greatly enhances the firepower that can be brought to bear on auto and highway safety issues. Funded at an annual level of \$1.5 million by the participating insurance companies, Advocates is dedicated to petitioning for strong safety regulations, lobbying Congress, litigating in the courts when necessary, and educating the public and auto and highway safety. Joan Claybrook, president of Public Citizen, is co-director of the 24-member executive board.

Yet another sign of the expanding vitality of the auto safety movement is the founding in 1990 of CRASH, Citizens for Reliable and Safety Highways. The group's chief target are unsafe trucks and trucking practices: multi-trailer trucks that exceed 65 feet, unsafe vehicle designs, poor maintenance

practices, drug and alcohol abuse among drivers, and driver fatigue. With the same model of broad representation as Advocates, CRASH stunned the powerful transportation lobby in 1991 by pushing through federal legislation that prevents the further spread of "longer-combination vehicles" (LCVs) onto other highways. The group's remarkable early success suggests the promise of coalitions that bring together consumer groups and industries that have an economic self-interest in improved safety.

5. Banking: Contrived Complexity, Cultivated Secrecy

It was only natural that one of Nader's earliest targets for a consumer-side revolution would be the banking industry, custodian of billions of dollars of "other people's money," in Justice Brandeis' phrase. Here was a classic instance of the supply-side aggregating the power held by individual consumers and using it to their detriment. To critique some of the industry's most retrograde practices -- needless secrecy, unfair credit practices, government subsidization, and red-lining (outright refusal to provide services to less desirable parts of a community) -- Nader formed a study group in the summer of 1970 to examine one of the banking industry's leading institutions, First National City Bank, now Citibank, then headed by the redoubtable Walter Wriston.

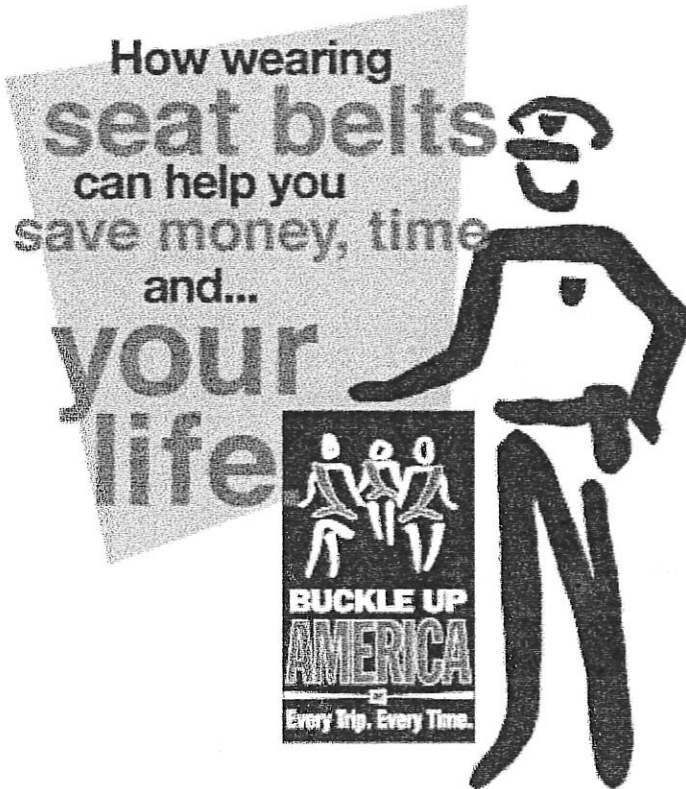
Historically, banks have described themselves as performing a "public trust" and as "servicing the community," Nader wrote in his introduction to the 1973 book, *Citibank*, by attorneys David Leinsdorf and Donald Etra. "It's time to examine the reality and implications of these pretensions." The challenge facing consumers, said Nader, is to penetrate the "contrived complexity and cultivated secrecy about banks" in order to make them more accountable and responsive to depositors. "How can such massive accumulations of people's money under highly centralized control be deconcentrated, subjected to fuller disclosure of operations and policy, and directed toward investments that serve the interests of the many instead of a few giant corporations? It is clear that neither the Securities and Exchange Commission nor the bank-indentured state bank regulatory agencies will address themselves to this question." In a nutshell, this has been the battle cry for consumer activism against banks.

The Nader Citibank report, which even its target conceded was "painstakingly detailed," was one of the first assessments of how well a major bank was serving consumers and its community. Jolted by the book's charges, Citibank publicly issued a 97-page book response attempting to evade the evidence. But inside the bank, executives began a serious evaluation of its criticisms. The Nader Citibank report did not lead to a wholesale reform of the banking industry; it did shake a secretive, sequestered industry from its slumbers, and alerted Congress and the public to the significant stake that consumers have in banking law and regulation.

Since the Citibank report, consumer activism in banking has been driven by two key insights -- that depository institutions are not subject to normal market discipline and therefore must be regulated for safety and soundness of purpose, and that federally insured depository institutions, given the government risk-subsidies they receive, should be required by law to meet certain public benefit standards.

As early as 1962, the Pennsylvania Senate Banking Committee had noted the "nefarious, unscrupulous and improper practices [that] exist in certain areas of consumer credit." Banks could and did make it confusing to compare loan rates by using inconsistent methods to calculate the annual percentage rate of interest. They often stonewalled consumers trying to correct errors in their bills; denied consumers credit based on erroneous information in credit files; and denied credit to individuals based on extraneous factors such as race, religion, national origin, sex, marital status and age.

In the late 1960s and 1970s, Nader, his banking expert, Jonathan Brown, the Consumer Federation of



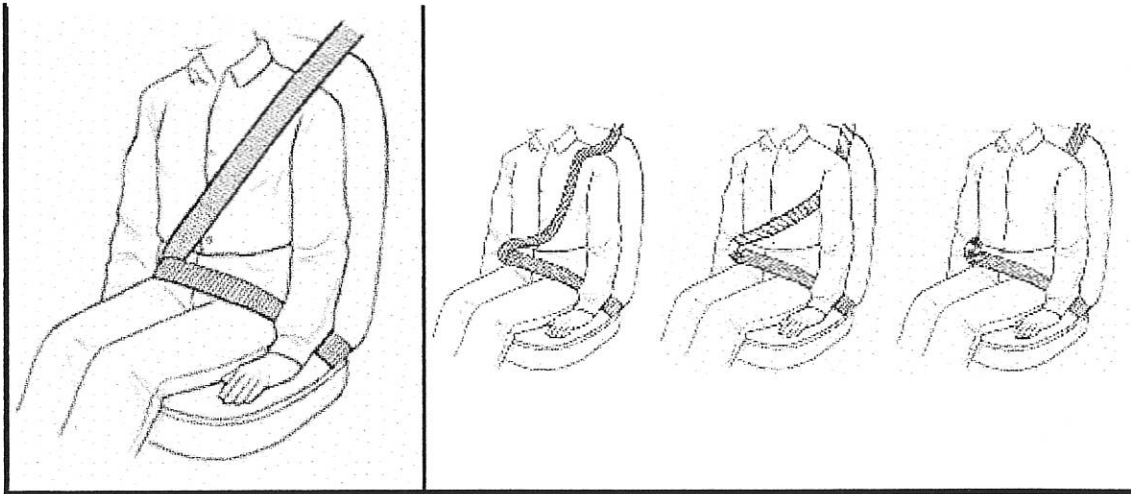
DOT HS 809 451

Non-Police Version
NHTSA Home

Buckling up right is a snap! And it can keep you out of the hospital.

1. Adjust the lap belt to fit low and tight across your hips/ pelvis, not your stomach area.
2. Place the shoulder belt snug across your chest, away from your neck.
3. Never place the shoulder belt behind your back or under your arm.

CORRECT	INCORRECT

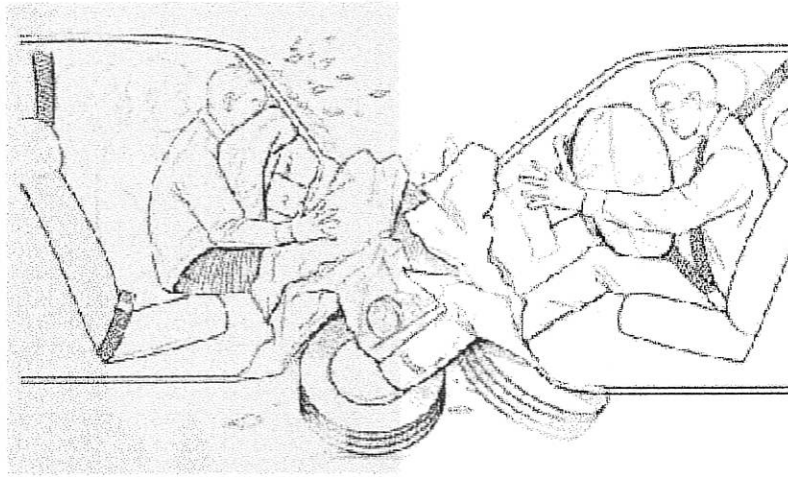


If you wear a seat belt every time you get into a vehicle, you're more likely to:

- Get to where you're going on time.**
Wearing a seat belt isn't just a good idea, it's the law, and many States are conducting heightened enforcement of their seat belt laws.
- Hold onto your hard-earned cash.**
Seat belt tickets can mean hefty fines and, in some places, points on your license.
- Prevent disabling injuries and scarring.**
Every 15 seconds, someone is injured in a traffic crash. If you're not buckled up, you could be thrown through a window, sent skidding along the pavement or be crushed under a vehicle in a crash.
- Live.**
Someone is killed in a crash every 13 minutes. However, seat belts save over 11,000 lives each year, and they can help you maintain control of your car in a crash.

So, buckle up on every trip. Every time.

**Not convinced by State law?
Consider the laws of physics:**



- If you crash or slam on your brakes, your car comes to a sudden stop. But you will keep moving until you, too, are stopped—by the windshield, dashboard or pavement.
- Wearing a seat belt stops your body from being thrown around inside or outside the car. A seat belt decreases the chances you'll get hurt by firmly keeping you in place.

* Air bags are designed to be used *with* seat belts. By themselves, they are only 12% effective at reducing deaths.

HOW DO YOU WANT TO STOP?

"We'd rather pull you over for a ticket than pull you out of a crash."



**Have air bags?
Buckle up anyway.**

In most vehicles, air bags are only in the front and inflate only in frontal crashes. In rear or side crashes and rollovers, the seat belt can save you from serious injury or death.

Air bags inflate rapidly in a crash. If you're not buckled up, you could be thrown too close to the air bag and seriously injured or even killed.

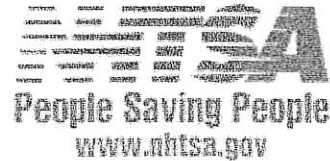
Air bags are more effective when you're buckled up and seated at least 10" away, and when children under 12 are properly buckled up in the back seat.

Need more help? Contact us.

For more information about child safety seats, booster seats, fitting stations in your area, seat belts, air bags, and other highway safety issues, call the NHTSA Hotline at **1-888-DASH-2-DOT** (1-888-327-4236) or visit our web site at www.nhtsa.gov.



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FACT SHEET

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STRENGTHENING SEAT BELT USE LAWS – INCREASE BELT USE, DECREASE CRASH FATALITIES AND INJURIES

September 2002

Traffic crashes are a leading cause of death in the United States. Increasing seat belt use has tremendous potential for saving lives, preventing injuries, and reducing the economic costs associated with crashes. Strong occupant protection laws coupled with high visibility enforcement campaigns (such as “Click It or Ticket”) are currently the most effective ways to increase seat belt use.

Make All Belt Use Laws Subject to Primary Enforcement

Definitions:

Primary (standard) enforcement allows a law enforcement officer to stop a vehicle and issue a citation when the officer observes an unbelted driver or passenger.

Secondary enforcement means that a citation for not wearing a seat belt can only be written after the officer stops the vehicle or cites the offender for another infraction.

Passing primary seat belt use laws in every State is absolutely essential to saving thousands of lives and preventing tens of thousands of injuries each year. Enactment of primary laws sends a message to motorists that seat belt use is an important safety issue that the State takes seriously. Increases in belt use have been made without a primary seat belt use law, but the greatest gains are possible when a primary law works in conjunction with high visibility enforcement campaigns such as “Click It or Ticket.”

A primary seat belt use law is much more enforceable than a secondary law. In attitude surveys, officers consistently preferred primary laws and report that a secondary enforcement law is a major deterrent to issuing citations. Abundant research has shown that an upgrade to primary enforcement will significantly raise belt use rates when combined with education and adjudication.

Successful Examples

Primary seat belt laws have a proven track record of increasing a State’s seat belt use rate. In June 2002, the average seat belt use rate in States with primary enforcement laws was 11 percentage points higher than in States without primary enforcement laws. (Seat belt use was 80 percent in primary law States versus 69 percent in States without primary enforcement.)

When States upgrade their laws from secondary to primary, significant increases in seat belt use are often observed. For example, when three States—New Jersey, Alabama, and Michigan—upgraded their secondary seat belt laws to primary laws in 2000:

- The seat belt use rate in New Jersey rose from 63 percent in 1999 to 74 percent in 2000.



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- The seat belt use rate in Alabama rose from 58 percent in 1999 to 71 percent in 2000.
- The seat belt use rate in Michigan rose from 70 percent in 1999 to 84 percent in 2000.

Public Support is Strong for Primary Seat Belt Use Laws

In 2000, NHTSA conducted a survey among a national sample of approximately 6,000 people ages 16 and older to determine attitudes, knowledge, and reported behavior regarding occupant protection.

- Overall, 61 percent of the population surveyed believed that law enforcement officers should be allowed to stop a vehicle if they observe only a seat belt use violation (primary enforcement).
- Perhaps not surprisingly, support for primary enforcement was higher in primary enforcement States (70 percent). However, even in States with secondary enforcement, the majority (53 percent) favored primary enforcement.
- Overall support for primary enforcement was greatest among Hispanics (72 percent) than non-Hispanics (60 percent), followed by African Americans (68 percent) and whites (59 percent).

As of October 1, 2002, 18 States, the District of Columbia and Puerto Rico have primary laws in effect¹. Thirty-one States have secondary enforcement laws and one State (New Hampshire) has no adult seat belt use law.

Addressing Concerns About the Enforcement of Primary Laws:

Motor vehicle crashes are the leading cause of death for African Americans from birth through 14 years of age and are the second leading cause of death for African Americans between 15 and 24 years of age. Motor vehicle crashes are the leading cause of death for Hispanics from 1-44 years of age, and are the third leading cause of death for Hispanics of all ages surpassed only by heart disease and cancer. However, a major concern about the enforcement of primary occupant protection laws expressed by opponents of this legislation is differential enforcement—the targeting of people from different racial and ethnic groups by police enforcing traffic laws.

The National Organization of Black Law Enforcement Executives (NOBLE), the Nation's leading organization of minority law enforcement officials, studied this issue extensively during 2000 and 2001. As a result, NOBLE has voiced support for law enforcement training, educational outreach to the African American community, and passage of primary seat belt laws to increase seat belt use among African Americans.

The Congressional Black Caucus has stated that increasing seat belt use among African Americans is an “urgent national health priority.” The National Black Caucus of State Legislators and the National Conference of Black Mayors have also expressed support for strong laws that increase seat belt use and include safeguards for uniform enforcement.

ASPIRA, a national organization dedicated to the education and leadership development of Hispanic youth, also has expressed its support for primary seat belt legislation. ASPIRA passed a resolution supporting primary enforcement of State seat belt and child safety seat use laws and efforts to promote compliance with such laws.

Recognizing the contribution that primary laws make to seat belt use among all groups, many minority group legislators have supported primary law upgrades in their States. Some of these legislators have testified publicly that following their upgrades to primary seat belt laws, they have seen neither backlash in their communities nor evidence of differential enforcement of the new laws.

Protect All Vehicle Occupants in All Passenger Vehicles

Seat belt laws vary from State to State with some laws covering only front seat occupants, some providing for only secondary seat belt enforcement, and some exempting pickup trucks and vans. Some laws apply only to State residents. Many States fail to address the issue of children riding as passengers in the cargo area of pickup trucks. More than 100 children and teenagers die each year as a result of riding in cargo areas of pickup trucks.

Having a strong, well-written law is crucial to saving lives. In 2002, NHTSA partnered with the National Committee on Uniform Traffic Laws and Ordinances, the National Transportation Safety Board, the Air Bag & Seat Belt Safety Campaign, the Automotive Coalition for Traffic Safety, Inc., and the Governors Highway Safety Association to create a “model law” which can assist States in drafting the language needed to eliminate the gaps that often occur in occupant protection legislation. This law recommends that every occupant (both children and adults) of a motor vehicle in motion should be covered at all times by an occupant protection law. This law is available at <http://www.ncutlo.org>

Significant Fines Are Important in Increasing Belt Use

In Canada – where laws are primary, fines are adequate, and there is well-publicized enforcement of seat belt laws—belt use averages 90 percent. The United States, by contrast, had a seat belt use rate of only 75 percent in June 2002.

Fines currently range from \$5 in Idaho to \$100 in New York State. The most common fine (in 30 States) is \$20 or \$25. An adequate fine is a measure of effectiveness. A 1995 NHTSA

¹ States with primary seat belt laws: Alabama, California, Connecticut, Georgia, Hawaii, Indiana, Iowa, Louisiana, Maryland, Michigan, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Texas, and Washington. The District of Columbia and Puerto Rico also have a law, which allows for primary enforcement.

study of the effect of various provisions of seat belt use laws found that, for each \$1 the fine level is increased, the States tend to gain about 0.8 percent increase in belt use rate. 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.

Occupant Protection Grant Programs

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law on June 9, 1998. In addition to providing funding for improving America's roadways, bridges, and transit systems, this comprehensive legislation provides funding for increasing seat belt and child safety seat use.

Section 157 (incentive) of TEA-21 created a program to encourage States to increase their seat belt use rates in recognition that increased belt use decreases crash injuries and the financial burden these preventable injuries place on Federal programs. Funds are allocated to eligible States based on savings in medical costs to the Federal government due to improved seat belt use.

Section 157 (innovative) of TEA-21 provides that Section 157 funds not allocated to incentive grant in a fiscal year be allocated to the States to carry out innovative projects to promote increased seat belt use.

Section 402 of TEA-21 provides funds to States and communities to reduce traffic crashes and resulting deaths, injuries, and property damage. A State may use these grant funds only for highway safety purposes; at least 40 percent of these funds must be used to address local traffic safety problems, including restraint use.

Local Community Grants: Congress has recommended funding for initiatives for FY 2003 to increase seat belt use. NHTSA plans to build upon initiatives Congress directed during FY 2001 and FY 2002, when funding was made available to local communities to increase seat belt use among high-risk groups, such as minorities, younger drivers, and part-time seat belt users. During FY 2003, NHTSA will broaden outreach programs directed toward these high-risk groups through intensified media strategies and high visibility seat belt enforcement demonstration grants using the Click It or Ticket model. Such programs will be implemented in States and communities with a high proportion of high-risk populations demonstrating low seat belt use rates.

Section 405 of TEA-21 is an incentive grant program to increase the use of seat belts and child safety seats by encouraging States to adopt more effective laws, stronger penalties, and highly visible enforcement and education programs.

These reports and additional information are available from your State Highway Safety Office, the NHTSA Regional Office serving your State, or from NHTSA Headquarters, Office of Safety Programs, ATTN: NTI-120, 400 Seventh Street, S.W., Washington, DC 20590; 202-366-4295; or NHTSA's web site at www.nhtsa.dot.gov



MADD

Activism | Victim Services | Education™

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2/6/03

Representative Gary Hayzlett, Chairman
House Transportation Committee
State Capitol Room 115-S
Topeka, Kansas 66612

Dear Representative Hayzlett and Transportation Committee Members:

Kansas MADD's Public Policy Liaison will be unable to attend the Transportation Committee hearing on HB 2119 scheduled for February 12, 2003. Kansas MADD would like to submit written testimony in support of HB 2119 for the committee's consideration.

Nationally, from 1975 through 2000, it is estimated that safety belts saved 135,102 lives, including 11,889 lives saved in 2000. Nearly two-thirds (60%) of the passenger vehicle occupants killed in traffic crashes in 2000 were unrestrained. In 2000, 41 percent of passenger car occupants and 45 percent of light truck occupants involved in fatal crashes were unrestrained. (NHTSA) In Kansas, The Pacific Institute for Research and Evaluation estimated that unbelted occupants account for 83 percent of impaired driving fatalities. (PIRE)

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

MADD asks for your support for HB 2119.

Sincerely,
Wanda Stewart
Wanda Stewart
State Chairperson
Kansas MADD

House Transportation
Date: 2-12-03
Attachment # 7