

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 9, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Anthony Brown- excused
Representative Pat George- excused

Committee staff present:

Chris Courtwright, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Dan Ramlow, KS Contractor's Association
Dan Ramlow for AAA of Kansas
Lt. John Eichkorn, KS Highway Patrol
Tom Whitaker (written testimony only)

Others attending:

See attached list.

House Bill 2127 - Traffic regulation, use of head lamps, windshield wipers

Chairman Hayzlett recognized Dan Ramlow of the Kansas Contractors Association. He said this bill has positive safety features for the public and would also benefit and protect their industry workers in construction zones during inclement weather. (Attachment 1) He explained that if a driver has their windshield wipers on it is usually for the reason they cannot see out their windshield, due to rain, sleet, snow, or other conditions obscuring their view. And that the need to have one's head and tail lights on under these same conditions, is not to light their way but to signal their location to other drivers. He said to give drivers an extra nudge to use common sense and turn on the full head and tail lights when vision is obscured and their windshield wipers are on, may require regulations. Mr. Ramlow said 20 other states have such a law. He concluded by saying that to make conditions safer on the highways and in work zones, with the provisions of this "wiper law", they see the potential of accidents being reduced and lives being saved.

The next proponent, James R. Hanni, Vice President, Kansas Region and Public Affairs, Automobile Association of America, could not attend the hearing so Dan Ramlow spoke to **HB 2127** for him. According to Mr. Hanni (Attachment 2) as a way to promote safe driving habits among the Kansas drivers, they were requesting the Committee to favorably pass this bill. He said this bill is supported by a national AAA policy that states: "State laws should require motorists to activate headlights when operating the windshield wiper."

Lt. John Eichkorn was the next proponent to speak to **HB 2127**. (Attachment 3) Lt. Eichkorn said requiring motorists to turn on head and taillights during adverse conditions will allow drivers to better see oncoming traffic and most importantly, be seen by other drivers. According to Lt. Eichkorn **HB 2127** provides a relatively easy step that has the potential to prevent injuries and save lives. He said while the Patrol supports most of **HB 2127**, making this legislation a secondary offense hinders the ability of law enforcement officials to encourage the use of headlamps during adverse conditions. As in the case of safety belts, officers can only issue a citation for a safety belt violation after observing and issuing a citation for a separate violation, such as speeding or improperly changing lanes. Lt. Eichkorn concluded by saying not only should we be able to see oncoming cars at night, but the Patrol wants to make sure that motorists can see oncoming traffic during adverse conditions. While secondary language has proven to make good legislation somewhat ineffective, the Kansas Highway Patrol supports **HB 2127** because of its potential benefits to the motoring public.

Chairman Hayzlett recognized Tom Whitaker as the next proponent. According to Mr. Whitaker (Attachment 4) The Kansas Motor Carriers Association supports passage of **HB 2127**. Mr. Whitaker said the Kansas Motor Carrier's Association believes this bill will enhance safety when inclement weather is affecting travel. He urged support of **HB 2127**.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 9, 2005 in Room 519-S of the Capitol.

There were no other proponents and no opponents to this bill so Chairman Hayzlett closed the hearing on **HB 2127**.

A motion was made by Representative Jack to approved the Minutes of the January 27 and February 1, 2005 meetings. Representative Humerickhouse seconded the motion and the motion carried.

There being no further business the Chairman adjourned the meeting. The next meeting will be on February 14, 2005 in Room 519-S at 1:30 p.m.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: Feb 9, 2005

NAME	REPRESENTING
Bob Totten	Ks Contractors Association
Dan Kaulow	KS Contractor Assn.
Ken Gudenkauf	KDOT
Deann Williams	K MCA
Diane Albert	KDOT - Vehicles
Jan Mankus	KDOT Federal of animal care
Sarah Horvath	Federico Consulting

HOUSE TRANSPORTATION COMMITTEE

DATE Feb 9, 2005

NAME	REPRESENTING
JOHN EICHKORN	KHP

THE KANSAS CONTRACTORS ASSOCIATION, INC.

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TESTIMONY BEFORE THE HOUSE TRANSPORTATION COMMITTEE ON HOUSE BILL 2127

**Dan Ramlow, Executive Vice President
Kansas Contractors Association
February 9, 2005**

Mr. Chairman and members of the committee. My name is Dan Ramlow and I am here this morning representing the Kansas Contractors Association. Our members build and supply the majority of the highway, road and bridge projects in our state.

I am here to respectfully request that you pass out favorably House Bill 2127, a bill of common sense legislation that has positive safety features for the motoring public, and which would also benefit and protect our industry's workers in construction work zones during inclement weather.

I hope you can except the fact that if a driver has his or her windshield wipers on in a continuous mode, it is usually for the reason they cannot see out their windshield, due to rain, sleet, snow, or other atmospheric conditions obscuring their view. The need to have one's head and tail lights on under these same conditions, even during daylight hours, is not to light their way, but to signal their location to other drivers.

I understand the hesitancy to legislate common sense. In the perfect world, the best case scenario would be for every driver to have perfect common sense. However, common sense is almost a misnomer, as such sense is not common

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Attachment # 1

among different drivers. What is common sense for one, may not be common sense for another. If this "sense" were universally perfect, we would not need this legislation. But it is not. In fact, this committee has seen the need to legislate other common sense issues, a perfect example shown right here in the current statute, where you had to legislate that a driver must have his or her head and tail lights on from sunset to sunrise.

The next best case scenario would to have all motor vehicles perform the same certain function as motorcycles manufactured after 1978, and that is to have motor vehicles' head and tail lights be displayed at all times, to come on automatically when the ignition is turned on. But this is not yet a reality.

In fact, in a purely unscientific study, I called the sales offices of 19 car makes, representing more than twice that number of models, and discovered that not one American manufacturer made a vehicle that performed this function. True, GM vehicles, as an example, activate their daytime running lights when you turn the vehicle on, but this is a different animal. Daytime running lights are an excellent safety feature, but neither the full head lights nor tail lights are activated. I found that only the Subaru car, always an innovator in safety features, performs this function of activating head and tail lights, and a certain high-end Nissan vehicle offers this function as an option.

So, to give drivers that little extra nudge to use their common sense, and turn on their full head and tail lights when vision is obscured and their windshield wipers are on in a continuous mode, we sometimes have to use regulation to require this action. And this regulation can be passed on to new drivers during driver's education courses and through publication in the driver's manual before they take their license test, and for experienced drivers through the informational newsletters of associations representing such drivers, the major ones, the AAA of Kansas and the Kansas Motor Carriers Association, which endorse this legislation.

From our viewpoint, we would see immediate benefit from the provisions of this bill if it were to be enacted, on the major turnpike project that started the winter of 2004 and will run through the winter of 2005, to make the highway six lanes from Topeka to the Lecompton exit, at all times keeping a minimum of two lanes open for traffic. If inclement weather, or certain atmospheric conditions, were to hit the

project site during work, how nice it would be if drivers had their full lights on as they cleared their windshields to see out on the work zone lanes. I am sure they would feel as relieved to be able to see the car coming towards them in the other lane, as the workers would be to see traffic in both ways, as they suspend their work until conditions clear.

We therefore respectfully request your favorable passage of House Bill 2127 from this committee to the full House, for that body's discussion and debate. If you do, we promise our resources to help educate your peers on the legislation's benefits and safety features.

Legislative Research may have already informed you, but almost 20 states have such a law, with our neighboring state Missouri having passed their law in its 2004 session.

There is no fiscal note to this bill. It will not cost the state any money. In fact, we see it as having savings for the state. I have no statistics to back this statement up, but to make conditions safer on the highways, and in work zones, with the provisions of this "wiper law," we see the potential of accidents being reduced and lives being saved. And what it might save in just one human life can make you proud to have been part of its enactment for the benefit of drivers throughout our state.

Thank you for your time and I stand for any questions the committee members might have.

**Testimony before the House Transportation Committee
On House Bill 2127
February 9, 2005**

**By James R. Hanni, Executive Vice President
Kansas Region and Public Affairs
Automobile Association of America of Kansas**

The AAA of Kansas, a membership organization representing 143,175 motorists throughout Kansas, **endorses House Bill 2127** as a way to promote safe driving habits among the Kansas motoring public. We respectfully request the committee's favorable action on the bill to pass it out to the full House. This bill is **supported by a national AAA policy** that states: *"State laws should require motorists to activate headlights when operating the windshield wiper."*

We thank you for your consideration of our request.

House Transportation
Date: 2-9-05
Attachment # 2



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2127 Senate Transportation Committee

Presented by
LT John Eichkorn
Kansas Highway Patrol

February 9, 2005

Good morning, Mr. Chairman and members of the committee. My name is LT John Eichkorn, and I appear before you on behalf of Colonel William Seck and the Kansas Highway Patrol to support House Bill 2127.

Kansas is no stranger to adverse conditions such as rain, fog, snow or sleet. As members of the law enforcement community, we are responsible for ensuring the motoring public reaches their destination safely, even during unfavorable conditions. Therefore, the Patrol sees merit in the proposed amendment.

Requiring motorists to turn on head and taillights during adverse conditions (when the continuous use of windshield wipers is necessary) will allow drivers to better see oncoming traffic and most importantly, be seen by other drivers. I think most of us can relate when I say that it can be a hair raising experience to miss seeing a vehicle while driving in adverse conditions such as snow. White colored vehicles often blend in with the snowy background making them difficult to see. This is also true with many other colors of vehicles during other driving conditions.

House Bill 2127 provides a relatively easy step that has the potential to prevent injuries and save lives. For instance, when driving at night, we are able to avoid crashes by seeing the headlamps of the oncoming cars. And, just as we wouldn't want to drive at night without our headlights on, we shouldn't drive with them off during adverse conditions requiring the continuous use of windshield wipers.

While the Patrol supports most of House Bill 2127, making this legislation a secondary offense hinders the ability of law enforcement officials to encourage the use of headlamps during adverse conditions. As in the case of safety belts, officers in Kansas can only issue a citation for a safety 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 safety belt violation. In order to issue a ticket for the safety belt violation, he or she must cite the driver for both violations.

the officer is very aware of the dangers unbuckled occupants face, he or she may feel reluctant to issue 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 safety belt usage rates for Kansas.

The same effect of a secondary safety belt law could be found when enforcing the provision of SB 81. It would be harder for law enforcement officers to acknowledge the importance of this measure and would make it more difficult to enforce. Unfortunately, we would not be helping to eliminate the problem. Instead, it would be more like putting on a "band-aid." Ultimately, the Patrol suggests the committee consider eliminating this provision.

Just as we as drivers want to see the presence of oncoming cars at night, the Patrol wants to make sure that motorists can see oncoming traffic during adverse conditions. And while secondary language has proven to make good legislation somewhat ineffective, the Kansas Highway Patrol supports SB 81 because of its potential benefits to the motoring public. The Patrol appreciates the opportunity to address you today and urges this committee to give House Bill 2127 (with the proposed elimination of secondary language) a favorable report.

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KANSAS MOTOR CARRIERS ASSOCIATION

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Executive Director

February 9, 2004

Rep. Gary Hayzlett
Chairman
House Transportation Committee
State Capitol – Room 115-S
Topeka, KS 66612

Mr. Chairman:

The Kansas Motor Carriers Association supports passage of House Bill No. 2127. Our support is a result of action taken by the KMCA Board of Directors on Tuesday, February 1, 2005.

House Bill No. 2127 will require the display of headlights when windshield wipers are in use as a result of smoke, fog, rain, sleet or snow. Issuance of a citation for violating this statute would only occur if another citation is issued.

KMCA believes House Bill No. 2127 will enhance safety when inclement weather is affecting travel. We ask for your support of House Bill No. 2127.

Sincerely,

Tom Whitaker
KMCA Executive Director

House Transportation
Date: 2-9-05
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