

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 1, 2006 in Room 519-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research
Bruce Kinzie, Revisor of Statutes Office
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Peggy Mast
Wanda Kinney, President, KS Agri Women's Association.
Carlene Fuller
Tom Whitaker, Executive Director, KS Motor Carrier Association
Representative David Huff
Janette Fennell with Kids and Cars
Cindy Samuelson with Safe Kids Kansas
Dennis Cooley, MD, with American Association for Pediatrics
Lt. John Eichkorn, KS Highway Patrol
Lori Haskett, KS Dept Health and Environment
Laura Kaiser, President, KS PTA, Overland Park, KS

Others attending:

See attached list.

Chairman Hayzlett opened the committee meeting and asked for introduction of bills. Representative Peck requested a bill on border tax on motor vehicle fuel. Representative Peck made a motion to accept this bill, seconded by Representative Henry and the motion carried.

Chairman Hayzlett recognized Bob Alderson with Southwestern Association (farm implement dealers). Mr. Alderson asked to introduce a bill concerning defining worksite vehicles, commonly known as bobcats, gators, etc. presently Department of Revenue lumps them in with all-terrain vehicles which they are not.

Also Mr. Alderson, representing Mid-State Port Authority, requested introduction of a bill relating to conveyance of railroad right-of-way by a railroad company. A motion was made by Representative Yonally to accept both bills presented by Mr. Alderson, the motion was seconded by Representative Humerickhouse and the motion carried.

There being no other bills to introduce the Chairman opened the first hearing.

HB 2035 - Farm trucks, allowable uses of

Chairman Hayzlett introduced the first proponent of this bill, Representative Peggy Mast. According to Representative Mast (Attachment #1) a constituent of hers had received a heavy fine for using his farm truck to haul old metal to Topeka to be recycled. This constituent and the other farmers in Kansas have no desire to be lawbreakers, they just want to keep their property cleaned up and want to be able to use their own equipment to do so.

The next proponent was Wanda Kinney, President of Kansas Agri-Women. Ms. Kinney said that farmers and ranchers want and intend to be law abiding citizen and recognize the difference between the commercially licensed trucking industry and private business use of their farm trucks. (Attachment #2) She reasoned that if it is acceptable to haul building material, etc. to the farm then it should not be unacceptable for trucks going the other direction to haul off the scrap salvage to town.

The third proponent was Carlene Fuller of Emporia. According to Ms. Fuller (Attachment #3) they do not feel the law is right because if they did not haul the junk off it would pile up and cause a rodent problem

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 1, 2006 in Room 519-S of the Capitol.

which would cause additional problems. Ms. Fuller said they were arrested when they used their truck with a farm tag to haul off some junk. They feel the law is unfair and should be changed.

There were no other proponents so Chairman Hayzlett called for opponents to **HB 2035**.

The Chairman recognized Tom Whitaker, Executive Director, Kansas Motor Carriers Association. According to Mr. Whitaker, the Association is extremely concerned about any expansion of the special privilege the agricultural industry has when using the farm vehicle registration. (Attachment #4) He said **HB 2035** would not prohibit a farmer from establishing a trash or recycling business on their farm as long as the trash and metal products are delivered to the owner's farm. The Association sees this as a commercial business and the use of the farm vehicle registration should not be allowed. He said the farm vehicle registration is a privilege and that there are significant differences between a commercial vehicle registration and a farm vehicle registration. The benefits of registering a vehicle under the farm registration are dramatic. Mr. Whitaker stated that if the Committee moved forward with **HB 2035**, the Motor Carriers Association asks the Committee to prohibit the use of the farm vehicle registration from being used to establish a trash or recycling business.

There being no other opponents the Chairman closed the hearing on **HB 2035**. Chairman Hayzlett suggested that Representative Mast talk to Tom Whitaker to see if they could work out their differences and come up with some language that would be agreeable to both and the Committee would work the bill at that time.

Chairman Hayzlett opened the hearing on **HB 2732**.

HB 2732 - Enacting unattended and unsupervised children in motor vehicle safety act

Chairman Hayzlett introduced Representative David Huff as the first proponent. Representative Huff said this bill deals with the adults who leave children unattended while shopping. (Attachment #5) He said there are no harsh penalties in this bill for this unclassified misdemeanor and he believes that there will be federal funds available for public education on this subject.

Representative Huff gave a brief introduction of Janette Fennell, President of KIDS AND CARS. According to Ms. Fennell (Attachment #6) KIDS AND CARS was founded in 1999 to address the often overlooked problem of nontraffic incidents and focuses on dangers encountered by children in and around passenger vehicles. She said they collect data involving children 14 years of age and younger but the majority of cases involve children under the age of five. Ms. Fennell said the Centers for Disease Control and Prevention reported that over 9,100 children were treated in hospital emergency rooms from July 2000 to June 2001, due to nontraffic noncrash events which is a weekly average of 176 injuries per week. Ms. Fennell read two small books to the Committee and showed several Public Service Announcements to make her points. She strongly urged the Committee's support for **HB 2732**.

The next proponent was Cindy Samuelson, Safe Kids Kansas. Ms. Samuelson said one of Safe Kids' public education initiatives is entitled "Never Leave Your Child Alone." (Attachment #7) According to Ms. Samuelson **HB 2732**, in addition to providing for an education program to increase the awareness about the dangers of leaving children unsupervised in motor vehicles, it also provides penalties to drivers who do so. She said **HB 2732** will provide another tool to law enforcement officers when they come upon the scene where a child has been left alone in a vehicle. She concluded by encouraging the Committee to favorably pass **HB 2732**.

Dr. Dennis Cooley was the next proponent for **HB 2732**. Dr. Cooley is a practicing pediatrician in Topeka and was representing the Kansas Chapter of the American Academy of Pediatrics. (Attachment #8) He said a recent study from the CDC found that there were 9160 injuries and 78 deaths due to children left unattended in or around motor vehicles in 2000-2001. Among the dangers are hyperthermia, injuries from accidental engagement of the vehicle, electric window entrapment, and abduction. He said cars are not baby sitters. **HB 2732** has an educational component to make the public aware of the problem along with a law enforcement provision and they feel this two pronged approach is the best way to protect the children of Kansas.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 1, 2006 in Room 519-S of the Capitol.

The next proponent was Lt. John Eichkorn, Kansas Highway Patrol. Lt. Eichkorn said the Patrol, along with other law enforcement agencies and emergency medical personnel too often witness the tragedies of child neglect. (Attachment #9) Lt. Eichkorn did say the Patrol is concerned about the enforcement aspect of the current version of **HB 2732**. According to Lt. Eichkorn the bill currently requires a law enforcement officer to perform a traffic stop to issue a citation to the driver. Under this provision, an officer would have to wait for the responsible party to return to the vehicle and drive away from the scene before initiating the traffic stop and issuing a citation. Lt. Eichkorn said it was their understanding this provision will be amended and with the amendment the Patrol supports **HB 2732**.

Lori Haskett, Director, Injury Prevention, Office of Health Promotion, KDHE, was the next proponent. Ms. Haskett went over the serious dangers associated with leaving a young child alone in a car. (Attachment #10) According to Ms. Haskett, currently in Kansas, the family pet is protected from being left unattended in vehicles by KSA 21-4310, which makes it unlawful to leave an animal in any place without making provisions for its proper care. She said it only seems reasonable to provide the same level of protection to Kansas children.

Laura Kaiser, President of Kansas PTA was the next proponent for **HB 2732**. According to Ms. Kaiser (Attachment #11) their PTA Board of Managers voted to bring a resolution regarding unattended children in cars to our convention delegates for their adoption. The resolution calls for Kansas PTA to support appropriate legislation making it illegal to leave children under the age of 10 unattended in vehicles and calls for Kansas PTA to work with other organizations to address additional issues of child safety in and around vehicles that may be discovered in the future.

Chairman Hayzlett drew the Committee's attention to the written testimony provided by Terri Roberts, Kansas State Nurses Association (Attachment #12), Cindy D'Ercole with Kansas Action for Children (Attachment #13), Children's Mercy Hospital (Attachment #14), and the Kansas Department of Transportation (Attachment #15).

There were no opponents so Chairman Hayzlett closed the hearing on **HB 2732**.

It was the Chairman's desire to work **HB 2732**.

Bruce handed out an amendment to the Committee which was proposed by the Kansas Highway Patrol and was technical in nature. (Attachment 16)

Representative Yonally made a motion to accept the amendment, it was seconded by Representation Olson and the motion carried.

After some discussion and questions, Representative Huff made a motion to favorably pass **HB 2732**, as amended, it was seconded by Representative Vickrey and the motion carried.

There being no further business before the Committee, the meeting was adjourned. The next meeting will be February 2, 2006, at 1:30 p.m. in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-1-06

NAME	REPRESENTING
Wanda Kinney	Kansas Agri-Women
Kenneth Fuller	Self
Carlene Fuller	K. A. W. & self
Deann Mat	Legislator
Cindy Samuelson	Kansas Safe Kids Kansas
Jan Haglman	Safe Kids Kansas
Janette Fennell	KIDS AND CARS
Pat Lehman	Safe Kids KS
Tama Kaiser	Kansas PTA
Nemini Cooleym	Kansas AAP
W. K. Hackett	KDHE
Carmen Aldritt	KDOR - Vehicles
Diane Albert	" "
Alan Anderson	KDOR
Terry Mitchell	KDOR-

HOUSE TRANSPORTATION COMMITTEE

DATE 2-1-06

NAME	REPRESENTING
Deann Williams	KS Motor Carriers Assoc.
Tom Whitaker	" "
Bob Anderson	Southwestern Association
Chris Bortz	KDOT
Ken Budenkant	KDOT
John Eichkorn	KHP
Tom Palace	PMCA of KS
Dave Harbow	Grant Co. EMS
Tawnya Foutch-Findley	Grant Co. EMS
JERRY Jo DECKERT	GRANT CO. EMS - ULYSSES, KS.

STATE OF KANSAS



PEGGY MAST
REPRESENTATIVE, 76TH DISTRICT
765 ROAD 110
EMPORIA, KANSAS 66801
(620) 343-2465

ROOM 446-N CAPITOL BLDG.
TOPEKA, KS 66612
(785) 296-7685

COMMITTEE ASSIGNMENTS
VICE-CHAIR: HEALTH & HUMAN SERVICES
UTILITIES
SOCIAL SERVICES BUDGET

TOPEKA
—
HOUSE OF
REPRESENTATIVES

Testimony before the
House Transportation Committee
Regarding
House Bill 2035
on
February 1, 2006

Thank you Chairman and members of the committee for the opportunity to appear before you today on behalf of those who use their farm trucks to help clean up around their property.

When I first heard that a constituent had received a heavy fine for using his farm truck to haul old metal to Topeka to be recycled, I was stunned. Mr. Fuller tried to fight that action because he thought that there couldn't possibly be a law against it, but he found out that he was wrong.

Most people have reacted just as I did to this event, but when I contacted the Revisor's Office I found out passing this legislation had been attempted before, so I'm sure that officers have issued tickets in the past as well.

Mr. Fuller and the other farmers in Kansas have no desire to be lawbreakers. They want to keep their property cleaned up and they want to be able to use their own equipment to do so. I am asking that you see the need for this legislation to make honest men out of them and pass HB2035 out of your committee.

I will be happy to stand for any questions.

Peggy Mast
Representative, 76th District

House Transportation
Date: 2-1-06
Attachment # 1

Peggy Mast - testimony HB2035/Wanda Kinney

From: <DWKFarms@aol.com>
To: <mast@house.state.ks.us>
Date: 2/1/2006 8:51 AM
Subject: testimony HB2035/Wanda Kinney

We as farmers and ranchers certainly want and intend to be law abiding citizens. We also know that there is a distinct difference between the commercially licensed trucking industry and private business use of our farm trucks. Farmers are certainly not wanting to get into the commercial hauling business! But, there is a difference between cleaning up the farmsteads and those who are in the salvage business. We would hope that the patrol force would also be aware of the differences.

If it is perfectly acceptable to haul to the farm the new materials such as tin roofing, siding iron posts, iron beams for buildings and not question those trips on the highways---don't issue tickets to the trucks going the other direction to haul off the scrap salvage to town. Quite possibly a reason could be that salvage cleanup is strictly a "cash business" to us and the state coffers are missing the tax revenues as the trucker pockets the monies that are received to be used later for new materials such as the roofing supplies, posts, or fuels, feeds, and maybe even groceries needed to keep the farm operating at these times of very low farm commodity income!

Respectfully,

Wanda Kinney, president of Kansas Agri-Women
13055 S. Berryton Road
Carbondale, Kansas 66414
785-836-7275

House Transportation
Date: 2-1-06
Attachment # 2

TESTIMONY
HOUSE BILL 2035
TRANSPORTATION COMM.
FEBRUARY 1, 2006

We just want to say we don't think this law is right. If we didn't haul the junk off it would pile up and cause a rodent problem. Then we'd have the health department on our backs. We try to keep our place neat so we wanted to get rid of some of the junk we had lying around. In doing so we got arrested in Topeka by Trooper Engholm. He said we couldn't do it with a farm tag on our truck. We checked and found that he was right. We also found out that it is okay to haul new iron to our farm just don't haul the old off to make room. We feel the law needs to be changed so no one else has to go through what we had to go through. It sure didn't pay to haul that load off. When we told our friends what had happened they couldn't believe it. They all thought it wasn't right that there is such a law. We were legal in every other way. Please listen to Representative Mast and get this changed. Thank you.

CARLENE FULLER
EMPORIA

House Transportation
Date: 2-1-06
Attachment # 3



Kansas Motor Carriers Association

Trucking Solutions Since 1936

Calvin Koehn
Circle K Transport, Inc.
President

Jeff Robertson
J.M.J. Projects
Chairman of the Board

Mike Miller
Miller Trucking, LTD
First Vice President

Michael Topp
TT&T Towing, Inc.
Second Vice President

Gale Fischer
Golden Plains Trucking, Inc.
Treasurer

Larry "Doc" Criqui
Kansas Van & Storage
Criqui Corp.
Corporate Secretary

Jerry Arensdorf
Arensdorf Trucking, Inc.
ATA State Vice President

Ken Leicht
Rawhide Trucking, Inc.
ATA Alternate State VP

Mike Ross
Ross Truck Line of Salina, Inc.
ProTruck PAC Chairman

Kelly Kile
Wal-Mart Stores, Inc.
Public Relations Chairman

Dave Eaton
Cummins Central Power, LLC
Allied Industries Chairman

Tom Whitaker
Executive Director

LEGISLATIVE TESTIMONY

In Opposition to House Bill No. 2035

Presented by the Kansas Motor Carriers Association

Before the House Transportation Committee

Representative Gary Hayzlett, Chairman

Wednesday, February 1, 2006

MR. CHAIRMAN AND MEMBERS OF THE HOUSE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear here this afternoon representing KMCA's 1,250 member-firms in opposition to House Bill No. 2035. The bill expands the allowable products that can be transported using a farm vehicle registration to include "debris, trash or rubbish collected on the owner's farm for the purpose of disposal at a site located away from the farm, including the transportation of metal articles to a recycling facility."

While this amendment to the farm vehicle registration statute may seem trivial, KMCA's membership is extremely concerned about any expansion of the special privilege the agricultural industry has when using the farm vehicle registration. HB 2035 would **not** prohibit a farmer from establishing a trash or recycling business on their farm so long as the trash and metal products are delivered to the owner's farm. This is a commercial business, and the use of the farm vehicle registration should not be allowed.

The farm vehicle registration has a long history in Kansas. In the early 1950s, the farm vehicle registration was placed in the statutes to make sure that those that operated, what were "farm straight trucks," would not be subject to the commercial motor vehicle registration requirements when transporting their crops to market. In the middle 80s, the legislature expanded it to allow the farm vehicle registration for a tractor semitrailer. Former Senator from Plains, Charlie Angel, told KMCA that, "If the farmer abuses this new law and hauls for-hire, I will be the first one back to repeal this law." He didn't run for re-election. Farmers continue to abuse these statutes.

Mr. Chairman, the farm vehicle registration is indeed a privilege. Please note the attached table that sets out the differences between a commercial vehicle registration and a farm vehicle registration. The benefits of registering your vehicle under the farm registration are dramatic.

If this Committee should move forward with HB 2035, KMCA asks the Committee to prohibit the use of the farm vehicle registration from being used to establish a trash or recycling business.

House Transportation
Date: 2-1-06
Attachment # 4

Legislative Testimony – Kansas Motor Carriers Association – Page 2

KMCA offers the following amendments (see attached) to the statutes governing farm vehicles:

1. K.S.A. 66-1.109(c) & K.S.A 66-1.229 (1) be amended to define neighbor as an adjacent landowner.
2. K.S.A. 66-1.109(c) & K.S.A 66-1.229 (1) be amended to prohibit “barter and exchange” from including monetary compensation.

The Kansas trucking industry is tired of competing with farm vehicles in the for-hire transportation of ag products. Farm vehicles do not pay commercial registration fees, road taxes, and they do not have to comply with all of the safety rules and regulations to compete with the motor carrier industry. We are seeking a level playing field. The cost of doing business outside of farming should be equal.

With adoption of these amendments, KMCA will support House Bill No. 2035. Without adoption of the proposed amendments KMCA strongly opposes HB 2035.

We thank you for the opportunity to appear today. I would be pleased to respond to any questions you may have.

Commercial Truck Requirements

KCC Authority
\$1,935.00 annual reg. fee
Property Tax (Power Unit & Trailer)
 \$3,500 per combination unit
Federal Heavy Use Tax - \$550 annually
CDL
Drug/Alcohol Testing - \$75.00 per test
Medical Qualifications
Driver Qualifications
Hours-of-Service
USDOT Minimum Equipment Standards
 (Out-of-Service)
Annual/Post Trip vehicle inspection
Workers' compensation - \$2,600 per employee
Liability Insurance - \$3,500 to \$6,000 per truck
 \$750,000 minimum
Cargo Insurance
 \$300 for grain
 \$1,000 for livestock
Employee to administer compliance program

Prepared by:
Kansas Motor Carriers Association
11/05

Farm Truck Requirements

None
\$610.00 annual reg. fee

Property Tax (Power Unit only)
Exempt
Exempt
Exempt
Exempt
Exempt
Exempt

Exempt
Exempt
Exempt

10,000/50,000/25,000
Exempt

for the purpose of transporting persons or property;

(h) "person" means any individual, firm, partnership, limited liability partnership, corporation, limited liability company, association or their lessees, trustees or receivers;

(i) "private motor carrier" means a person who provides transportation of property or passengers, by commercial vehicle and is not a for hire motor carrier;

(j) "public highways" means every public street, alley, road or highway or thoroughfare of any kind used by the public;

(k) "public motor carrier of household goods" means any person who undertakes for hire to transport by motor vehicle from place to place, the household goods of others who may choose to employ or contract with the motor carrier;

(l) "public motor carrier of passengers" means any person who undertakes for hire to transport by motor vehicle, from place to place, persons who may choose to employ or contract with the motor carrier; and

(m) "public motor carrier of property" means any person who undertakes for hire to transport by motor vehicle, from place to place, the property other than household goods of others who may choose to employ or contract with the motor carrier.

History: L. 1931, ch. 236, § 1; L. 1933, ch. 229, § 1; L. 1959, ch. 258, § 1; L. 2001, ch. 73, § 1; L. 2003, ch. 124, § 14; L. 2004, ch. 152, § 5; May 27.

66-1,108a. Regulation of motor carriers; powers granted to state corporation commission. As applied to the regulation of motor carriers, the provisions of this act and all grants of power, authority and jurisdiction herein made to the state corporation commission shall be liberally construed, and all incidental powers necessary to carry into effect the provisions of this act are expressly granted to and conferred upon the state corporation commission.

History: L. 2004, ch. 152, § 2; May 27.

66-1,108b. Same; powers of state corporation commission. The state corporation commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 66-1,108, and amendments thereto, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such

power, authority and jurisdiction. The commission shall have general supervision of all motor carriers operating in this state. The commission shall inquire into any neglect or violations of the laws pertaining to the regulation of motor carriers of this state by any motor carrier or any person retaining the transportation services of that motor carrier. From time to time, the commission shall carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Nothing in this section shall be construed as relieving any motor carrier from responsibility or liability for damage to person or property.

History: L. 2004, ch. 152, § 3; May 27.

66-1,108c. Same; examination of accounts and records. The state corporation commission shall have the authority to examine all accounts and records pertaining to its regulation of motor carriers. The agents, accountants, examiners or inspectors designated by the commission shall have authority under the direction of the transportation division to inspect and examine any and all books, accounts, papers, records, property and memoranda pertinent to its regulation of motor carriers.

History: L. 2004, ch. 152, § 4; May 27.

66-1,109. Regulation of motor carriers; exemptions of certain carriers, certain transporters and certain uses from act. This act shall not require the following carriers to obtain a certificate, license or permit from the commission or file rates, tariffs, annual reports or provide proof of insurance with the commission:

(a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or villages in this state or in this and another state, or between any city or village in this or another state and the suburban territory in this state within three miles of the corporate limits, or between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the relevant federal authority, except that none of the exemptions specified in this subsection (a) shall apply to wrecker carriers and none of such exemptions shall apply to motor carriers of passengers, other than motor carriers of passengers operating as a part of the general transit system serving any such city or village in this or another state, operating

on regular routes and time schedules between any city or village in this or another state, and the suburban territory in this state;

(b) a private motor carrier who operates within a radius of 25 miles beyond the corporate limits of its city or village of domicile, or who operates between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the relevant federal authority;

(c) the owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

(d) persons operating motor vehicles used only to transport property when no common carrier is accessible, but when common-carrier service is available then this last exemption is limited to the transportation of such property from origin to the nearest practicable common-carrier receiving or loading point, or from a common-carrier unloading point by way of the shortest practicable route to destination, providing such motor vehicle does not pass a practicable delivery or receiving point of a common carrier equipped to transport such load, or when used to transport property from the point of origin to point of destination hereof when the destination of such property is less distant from the point of origin thereof than the nearest practicable common-carrier receiving or loading point equipped to transport such load;

(e) (1) the transportation of children to and from school, or (2) to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands or other similar activities;

(f) a new vehicle dealer as defined by K.S.A. 8-2401, and amendments thereto, when transporting property to or from the place of business of such dealer;

(g) motor vehicles carrying tools, property or material belonging to the owner of the vehicle and used in repair, building or construction work, not

having been sold or being transported for the purpose of sale;

(h) persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles;

(i) the operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers;

(j) motor vehicles owned and operated by the United States, the District of Columbia, any state, any municipality or any other political subdivision of this state, including vehicles used exclusively for handling U.S. mail, and the operation of motor vehicles used exclusively by organizations operating public transportation systems pursuant to 49

For the purposes of this paragraph, "neighbor" means an adjacent landowner.

Barter and exchange shall not include monetary compensation.

ating pas-wise the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;

(l) motor vehicles used to transport water for domestic purposes, as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or livestock consumption;

(m) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete paving mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;

(n) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;

(o) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

(p) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state;

(q) transportation by taxi or bus companies operated exclusively within any city or within 25 miles of the point of its domicile in a city;

(r) a vehicle being operated with a dealer license plate issued under K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-136, and amendments thereto, and vehicles being operated with a full-privilege license plate issued under K.S.A. 8-2425, and amendments thereto;

(s) any person operating a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, transporting property sold or to be sold by the owner or operator of such motor vehicle, except motor vehicles transporting hazardous materials which require placards;

(t) the operation of vehicles used for transporting materials used in the servicing or repairing of the refractory linings of industrial boilers;

(u) transportation of newspapers published at least one time each week;

(v) transportation of animal dung to be used for fertilizer; and

(w) the operation of ground water well drilling rigs.

History: L. 1931, ch. 236, § 2; L. 1933, ch. 229, § 2; L. 1935, ch. 239, § 1; L. 1938, ch. 56, § 1; L. 1947, ch. 333, § 1; L. 1951, ch. 367, § 1; L. 1959, ch. 258, § 2; L. 1971, ch. 218, § 1; L. 1974, ch. 263, § 1; L. 1975, ch. 340, § 1; L. 1977, ch. 225, § 1; L. 1977, ch. 304, § 20; L. 1978, ch. 267, § 1; L. 1980, ch. 202, § 1; L. 1981, ch. 258, § 1; L. 1984, ch. 25, § 8; L. 1985, ch. 44, § 1; L. 1985, ch. 54, § 6; L. 1985, ch. 226, § 1; L. 1990, ch. 241, § 2; L. 1992, ch. 206, § 1; L. 1993, ch. 263, § 3; L. 1995, ch. 98, § 1; L. 1996, ch. 164, § 1; L. 2001, ch. 73, § 2; L. 2003, ch. 124, § 15; L. 2004, ch. 152, § 6; May 27.

66-1,111. Types of carriers which must comply with act and other applicable laws. No public motor carrier of property or passengers or private motor carrier of property or local cartage carrier shall operate any motor vehicle for the transportation of either persons or property on

any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws.

History: L. 1931, ch. 236, § 4; L. 1943, ch. 229, § 1; L. 1959, ch. 258, § 3; L. 1970, ch. 270, § 1; L. 2003, ch. 124, § 16; July 1.

66-1,112. Authority of commission to regulate public motor carriers; rate-making procedures; exemption from state antitrust laws, when. (a) The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier of property, of household goods or of passengers in this state, to the full extent not preempted by federal law, including fixing and approving reasonable maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules and regulations pertaining to the transportation of household goods or passengers as defined in 49 U.S.C. 13102. The commission shall prescribe rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier transporting property, household goods or passengers in this state, and to regulate and supervise the accounts, schedules, service and method of operation of same; to prescribe a uniform system and classification of accounts to be used; to require the filing of annual and other reports and any other data; and to supervise and regulate public motor carriers transporting property, household goods or passengers in all matters affecting the relationship between such public motor carriers of property, of household goods or of passengers and the traveling and shipping public.

(b) The commission shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations governing all such motor carriers. All laws relating to the powers, duties, authority and jurisdiction of the corporation commission over common carriers are hereby made applicable to all such motor carriers except as herein otherwise specifically provided.

(c) In order to insure nondiscriminatory, non-preferential and just and reasonable rates, joint rates, fares, tolls, charges and exactions for all

placing a motor carrier out of service, shall be guilty of a misdemeanor and shall be punished as provided in K.S.A. 66-1,130, and amendments thereto.

History: L. 1931, ch. 236, § 19; L. 1995, ch. 98, § 11; L. 2003, ch. 124, § 25; July 1.

66-1,128. Motor carrier liability insurance requirements; self-insurance, when. (a) Except as provided in subsection (c) or pursuant to 49 U.S.C. 14504, no certificate, permit, or license shall be issued by the commission to any public motor carrier of property, household goods or passengers or private motor carrier of property, until the applicant has filed with the commission a liability insurance policy approved by the commission, in such reasonable amounts as the commission determines by rules and regulations is necessary to adequately protect the interest of the public with due regard to the number of persons and amount of property involved. Such amounts shall not be less than \$100,000 for personal injury or death to any one person in any one accident, \$300,000 for injury or death to two or more persons in any one accident and \$50,000 for loss to property of others in any one accident, which liability insurance shall bind the obligors to pay compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such carrier.

(b) The liability insurance policy required to be filed by any resident applicant shall be in an insurance company or association authorized to transact business in this state. Such policy of any nonresident applicant may be afforded by an insurance company not authorized to do business in this state which has given the commissioner of insurance of this state a power of attorney authorizing such commissioner to accept service on its behalf of notice or process in any action upon such policy. Such company not authorized to do business in this state shall have on file with such commissioner a form as prescribed by subsection (b) of K.S.A. 40-3106, and amendments thereto. A certificate of any insurance company or association, in a form approved by the commission certifying that there is in effect the liability insurance required by this section, may be filed in lieu of the insurance policy itself. In the event such certificate is filed, such company shall furnish to the commission upon its request a duplicate original of the insurance policy and all endorsements thereon. No other or additional bonds or licenses

than those prescribed in this act shall be required of any motor carrier by any city or town or other agency of the state.

(c) Any public motor carrier of property, household goods or passengers or private motor carrier of property in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance from the commissioner of insurance. Upon application of any such carrier, the commissioner of insurance may issue a certificate of self-insurance, if the commissioner is satisfied that such carrier is possessed and will continue to be possessed of ability to pay any judgment obtained against such carrier arising out of the ownership, operation, maintenance or use of any motor vehicle registered in such carrier's name.

(d) Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the commissioner of insurance may cancel a certificate of self-insurance upon reasonable grounds. Failure to pay any judgment against a self-insurer, arising out of the ownership, operation, maintenance or use of a motor vehicle registered in such self-insurer's name, within 30 days after such judgment shall have become final, shall constitute reasonable grounds for the cancellation of a certificate of self-insurance.

History: L. 1931, ch. 236, § 21; L. 1949, ch. 337, § 1; L. 1953, ch. 296, § 1; L. 1959, ch. 258, § 11; L. 1975, ch. 341, § 1; L. 1978, ch. 268, § 1; L. 1982, ch. 276, § 1; L. 1988, ch. 356, § 241; L. 1993, ch. 263, § 6; L. 2001, ch. 92, § 12; L. 2003, ch. 124, § 26; July 1.

66-1,129. Motor carriers; safety rules and regulations adopted by commission; exceptions. (a) The commission shall adopt rules and regulations necessary to carry out the provisions of this act. No public motor carrier of property, household goods or passengers or private motor carrier of property shall operate or allow the operation of any motor vehicle on any public highway in this state except within the provisions of the rules and regulations adopted by the commission. Rules and regulations adopted by the commission shall include:

(1) Every vehicle unit shall be maintained in a safe and sanitary condition at all times.

(2) Every driver of a public motor carrier, operating as a carrier of intrastate commerce within this state, shall be at least 18 years of age. Every driver of a private motor carrier, operating as a

carrier of intrastate commerce within this state, shall be at least 16 years of age. All such drivers shall be competent to operate the motor vehicle under such driver's charge.

(3) Minimum age requirements for every driver of a motor carrier, operating as a carrier of interstate commerce, shall be consistent with federal motor carrier regulations.

(4) Hours of service for operators of all motor carriers to which this act applies shall be fixed by the commission.

(5) Accidents arising from or in connection with the operation of motor carriers shall be reported to the commission within the time, in the detail and in the manner as the commission requires.

(6) Every motor carrier shall have attached to each unit or vehicle distinctive marking adopted by the commission.

(7) Motor carrier transportation requirements that are consistent with continuation of the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous materials.

(b) No rules and regulations adopted by the commission pursuant to this section shall require the operator of any motor vehicle having a gross vehicle weight rating or gross combination weight rating of not more than 10,000 pounds to submit to a physical examination, unless required by federal laws or regulations.

(c) Any rules and regulations of the commission, adopted pursuant to this section, shall not apply to the following, while engaged in the carriage of intrastate commerce in this state:

(1) The owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment.

(2) The transportation of children to and from school, or to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands or other similar activities.

(3) (A) Except for motor vehicles under subparagraph (B), motor vehicles, with a gross vehicle weight rating of 26,000 pounds or less, carrying tools, property or material belonging to the owner of the vehicle, and used in repair, building or construction work, not having been sold or being transported for the purpose of sale, except vehicles transporting hazardous materials which require placards.

(B) Except vehicles transporting hazardous materials which require placards, motor vehicles, with a gross vehicle weight rating of 26,000 pounds or less, carrying tools, property or material belonging to the owner of the vehicle and used in repair, building or construction work and such tools, property or material are being transported to or from an active construction site located within a radius of 25 miles of the principal place of business of the motor carrier.

(4) Persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles.

(5) The operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers.

(6) Motor vehicles owned and operated by the United States, the District of Columbia, any state, any municipality or any other political subdivisions of this state.

(7) Any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers while used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature

For the purpose of this paragraph, "neighbor" means adjacent landowner.

Barter and exchange shall not include monetary compensation.

(7) The operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or ex-

changing implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state, unless the implement of husbandry is transported on a commercial motor vehicle.

History: L. 1931, ch. 236, § 22; L. 1959, ch. 258, § 12; L. 1965, ch. 506, § 36; L. 1976, ch. 289, § 1; L. 1977, ch. 226, § 1; L. 1978, ch. 269, § 1; L. 1985, ch. 227, § 1; L. 1988, ch. 356, § 242; L. 1990, ch. 241, § 3; L. 2001, ch. 73, § 3; L. 2003, ch. 124, § 27; L. 2004, ch. 152, § 7; May 27.

66-1,129a. Motor carriers, suspension, revocation or amendment of certificate; notice; hearing; impoundment of motor carrier's vehicles; requirements. (a) The commission, at any time for good cause shown, may suspend the operation of any motor carrier subject to economic or safety rules and regulations adopted by the commission. Upon notice and an opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act, the commission may revoke, amend, initiate sanctions or fine any motor carrier who has a certificate, license or permit issued by the commission or is subject to the safety rules and regulations adopted by the commission. Any motor carrier suspended prior to a hearing must be afforded the opportunity of a hearing on the matter. If such a hearing is requested, the hearing shall be held within 10 days of the request.

(b) The director of the commission's transportation division, at any time for good cause shown, may request the Kansas highway patrol to impound a motor carrier's vehicle or vehicles when that motor carrier has:

- (1) Failed to comply with an out-of-service order;
- (2) failed to comply with a cease or desist order;
- (3) failed to obtain commission authority to operate;
- (4) failed to pay a commission-assessed civil penalty; or
- (5) has otherwise failed to comply with a commission order. Any motor carrier whose vehicle is impounded prior to a hearing must be afforded the opportunity of a hearing on the matter. If such a hearing is requested, the hearing shall be held within 10 days of the request.

(c) The commission is authorized to enter into any contracts or agreements necessary with the superintendent of the Kansas highway patrol,

in order to provide facilities and personnel to accomplish the impounding of vehicles.

(d) If the owner of a motor vehicle which has been impounded pursuant to this section refuses to pay any towing, impoundment, storage or other fees relating to the impoundment of such vehicle or fails to take possession of such vehicle within 30 days following the date of the expiration of the impoundment period, such vehicle shall be deemed abandoned and the vehicle may be disposed of by the person having possession of such vehicle. If the person having possession of such vehicle is a public agency, disposition of such vehicle shall be in compliance with the procedures for notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. If the person having possession of such vehicle is not a public agency, disposition of such vehicle shall be in compliance with K.S.A. 8-1103 through 8-1108, and amendments thereto.

History: L. 1990, ch. 241, § 1; L. 1993, ch. 263, § 7; L. 2003, ch. 124, § 28; July 1.

66-1,130. Violation of act; penalty. (a) Except as provided in subsection (b), every carrier to which this act applies and every person who violates or who procures, aids or abets in the violating of any provision of this act, or who fails to obey any order, decision or rule and regulation of the commission, or who procures or aids or abets any person in his failure to obey such order, decision or rule and regulation, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding \$500.

(b) Every carrier who violates the provisions of K.S.A. 66-1,111 or 66-1,128, and amendments thereto, or violates rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, relating to improper equipment, no current driver's daily log or invalid or no physical examination card shall pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

History: L. 1931, ch. 236, § 23; L. 2003, ch. 124, § 29; L. 2004, ch. 114, § 6; Apr. 29.

66-1,139. Registration of interstate carriers in base state; registration of intrastate carriers with corporation commission; regulatory fees; disposition; exemptions; application requirements; certain interstate carriers may display identification on side. (a) All interstate regulated public motor carriers of property, of household goods or of passengers who op-

Chairman Hayzlett, Vice Chairman Faber, Ranking Member Long and committee. HB-2732 deals with young children who are left unattended and unsupervised in a motor vehicle. In simple terms this bill deals with the adults who leave these children unattended while shopping. There are no harsh penalties in this bill for this unclassified misdemeanor and I believe that there will be federal funds available for public education on this very important subject. Mr. Chairman, I would like to defer questions at this time because following my short testimony there will be expert testimony from Janette Fennell and others on this bill.

House Transportation
Date: 2-1-06
Attachment # 5

Janette Fennell learned that being locked in a car trunk was a horrific ordeal; but her second ordeal was convincing the powerful auto industry and Federal government that trunk entrapment was a significant problem. Her four-year successful crusade to make car trunks escapable is an excellent case study in the power of survivors to change public policy. While working on the issue of trunk entrapment, she learned about many other dangers children are exposed to when left alone in

House Transportation
2-1-06
Attachment 5

o. around a motor vehicle. Janette is the Founder and President of KIDS AND CARS, a national nonprofit organization that works to prevent injury and death to children in nontraffic, noncrash events. Janette has received numerous national awards such as a 2002 Public Service Award from the National Highway Traffic Safety Administration, (this is the highest civilian award given by the agency) an American Academy of Pediatrics injury prevention award, 2004 Distinguished Alumni award from the University of Wisconsin as well as a National Community Champion award from the Civil Justice Foundation. Janette is sought out as an expert in the nontraffic, noncrash field and has appeared on programs such as Good Morning America, Dateline, Oprah, NPR, the Today Show, the CBS Early Show, CNN, Court TV, Lifetime TV and is regularly quoted in newspapers such as USA Today, LA Times, Washington Post, the Detroit News, Wall Street Journal, NY Times and Kansas City Star to name a few. Janette makes her home in Leawood, Kansas with her husband and two young sons. She has traveled to other states who have implemented laws regulating what HB 2732 contains. Thank you Mr Chairman, Rep. David Huff



2913 West 113th Street Leawood KS 66211 (913) 327-0013

TO: Representative Gary Hayzlett, Chair
Transportation Committee

FROM: Janette E. Fennell
President
KIDS AND CARS

DATE: February 1, 2006, 1:30 p.m.

SUBJECT: **SUPPORT** of HB 2732

TEXT OF TESTIMONY

KIDS AND CARS is a national nonprofit organization dedicated to eliminating the common practice of leaving children unattended in motor vehicles and therefore reducing the incidence of injury and death to children. Children are injured or die in Kansas as a result of being left alone in motor vehicles. These tragedies are truly heart-wrenching; but preventable. We encourage passage of HB 2732 because it will save the lives of innocent children.

As you know, children as a group constitute one of the most vulnerable and precious segments of our society. They are subject to a wide range of health problems, and are dependent on families and communities for sustenance and protection. Our children need your help! They are being left unattended in vehicles and consequently are at high risk of injury to themselves and sometimes others. In addition, they are at risk of being taken either inadvertently during a car theft or as a crime of opportunity by a kidnapper.

KIDS AND CARS was founded in 1999 to address the often overlooked problem of nontraffic incidents and focuses on dangers encountered by children in and around passenger vehicles. Children can be harmed when they are inside vehicles whether or not the engine is on and the vehicle is moving. We collect data involving children 14 years of age and younger, but the majority of cases involve children under the age of 5. The Centers for Disease Control and Prevention (CDC) reported that over 9,100 children were treated in hospital emergency rooms from July 2000 to June, 2001, due to nontraffic noncrash events.¹ This is a weekly average of 176 injuries per week, each and every week. KIDS AND CARS has compiled a national database that is recognized as a source for fatality and injury information and is thoroughly documented. We know that

¹ Injuries and Deaths Among Children Left Unattended in or Around Motor Vehicles --- United States, July 2000--June 2001, MMWR, 51(26); 570-572 (Jul. 5, 2002)

House Transportation
Date: 2-1-06
Attachment # 6

our database doesn't capture all such incidents since we do not have the resources to conduct a census. As a result, these incidents are vastly underreported to local, state and federal authorities. KIDS AND CARS has documented over 1000 child deaths in the US within the last decade because children were left unattended in or around vehicles, but we know this is a lower boundary on the numbers of children who have perished.

For over five years, we have urged the National Highway Traffic Safety Administration (NHTSA) to track on an annual basis child fatalities and injuries that take place not in traffic. Yet, as of today, the NHTSA does not include the reports of these kinds of child fatalities or nonfatal serious injuries in federal traffic safety databases. We were successful in getting language passed in the Transportation bill that was signed by President Bush in August of 2005. (SAFETEA-LU) Kansas Congress people did support the passage of this omnibus bill. The National Highway Traffic Safety Administration (NHTSA) will now be required to collect data about nontraffic incidents. Finally the magnitude of this issue will be known, but we do not need to wait for their reports; we already know this is a significant issue in Kansas.

As we all know, motor vehicle crashes are the leading cause of death for children three years of age and older, and these statistics do not even include any of the data that KIDS AND CARS has collected about nontraffic, noncrash incidents.

Children, especially young children, are unaware of the dangers that they can encounter each day in and around motor vehicles, even vehicles that are not moving. While it is the responsibility of parents and other adults to protect our children, many parents are themselves unaware of the risk presented by power windows or the simple act of backing the family car out of the driveway.

There is a need for a law to raise public awareness about the dangers of leaving children unattended inside motor vehicles. Well-meaning parents and caregivers of all socioeconomic levels leave children alone in automobiles every day for a variety of reasons, but primarily because they are unaware of the dangers associated with leaving them alone. Education alone is not enough to change behaviors associated with this dangerous practice. Through legislation and education the practice of leaving children unattended in motor vehicles can be greatly reduced.

Currently a law enforcement officer only has two choices when they come upon the scene where a child has been left alone in a vehicle. (1) They can find the parent or caregiver and give them a scolding; or (2) Take the children from the parents and put them in child protective services and charge the parent or caregiver with child endangerment or child neglect. In many cases, these two choices are not what is needed. A 'scolding' will probably not change the dangerous behavior and the child endangerment or neglect charge may seem too harsh. We believe that law enforcement officers need another "tool" to prevent children from being left alone in vehicles and that 'tool' is a specific law against this practice. It enables them and the community to educate parents and caregivers to better understand the dangers of leaving children alone and unsupervised in motor vehicles.

Too often, there are serious dangers associated with leaving a young child alone in a car. For example, when the outside temperature is 80° F, the temperature inside a car

receiving direct sunlight can reach 110° F after 5 minutes.² When a person's body temperature reaches 106° F, he or she can die or suffer permanent disability from heat stroke.³ Last year 35 children died from hyperthermia or heat stroke after being left in hot cars, many times by caring, loving parents who inadvertently left the child inside the car. From 1998 through 2005, at least 289 children have perished in this manner and four of those deaths took place in Kansas.

Power windows are another source of injury for children in motor vehicles. Children can be injured or killed by power windows even when responsible adults are in the vehicle. Since 2001, 2 Kansas children have died after being strangled by power windows.

Research studies conclude that infants and young children should never be left unattended in a vehicle even if "just for a few minutes."⁴ Aside from heat death, a tragedy can occur when the car is stolen while the child is left in the vehicle, from the actions of a young child who places the car into gear, carbon monoxide poisoning or chokes on a toy. Children taken during the course of a car theft has happened far too often in Kansas. This diverts precious public resources and puts innocent children in harms way.

Eleven states have already adopted state laws prohibiting the leaving of young children alone in a motor vehicle. KIDS AND CARS has help to write, testify and work with states to pass this life-saving legislation. These states are California, Connecticut, Florida, Illinois, Louisiana, Maryland, Nebraska, Nevada, Pennsylvania, Texas, and Washington. KIDS AND CARS is working with the remaining states interested in passing legislation. Our goal is to have a law that specifically addresses the need for prevention and education about this dangerous behavior in every state.

HB 2732 carries the same philosophy as giving a ticket to someone who does not wear his or her seatbelt. People understand the inherent dangers, but it took legislation to change the dangerous behavior. HB 2732 is not meant to be punitive but to promote public education about the serious consequences of this risky behavior. With passage of this bill, information could be given to all new drivers via the Kansas driver's license manual or exam. This will tell residents that Kansas is serious about protecting children and will not tolerate this dangerous behavior. HB 2732 will also help to empower the public to feel comfortable and confident that they are doing the right thing by reporting when they come upon an innocent young children that has been left alone in a vehicle.

I have brought several letters of support from national organizations that are dedicated to injury prevention. The Trauma Foundation is dedicated to the prevention of injuries and is supporting this important bill.

We also have received a letter from Advocates for Highway and Auto Safety. They are an alliance of consumer, health and safety groups and insurance companies and agents working together to make America's roads and vehicles safer. The insurance company members (e.g.,

² Heat Stress From Enclosed Vehicles: Moderate Ambient Temperatures Cause Significant Temperature Rise in Enclosed Vehicles, McLaren, Null, Quinn, Pediatrics 2005; 116:109-112

³ Heat Related Mortality, Arizona 1993-2002 and United States 1979-2002, Vol 54, NoMM 25:628

⁴ Heat related deaths to young children in parked cars; an analysis of 171 fatalities in the United States, 1995-2002, Guard, Gallagher, Injury Prevention 2005; 11:33-37

State Farm, All State, Kemper, Liberty Mutual, Progressive, Farmers, etc.) are strong supporters of this legislation because they know it will help to prevent these unthinkable tragedies. Consumer groups such as the American College of Emergency Physicians, American Public Health Association, Emergency Nurses, the Police Foundation, etc., encourage you to help prevent these most predictable and preventable events. Advocates encourages the adoption of federal and state laws, policies and programs that save lives and reduce injuries. By joining its resources with others, Advocates helps build coalitions to increase participation of a wide array of groups in public policy initiatives which advance highway and auto safety. Advocates strongly supports HB 2732.

It is time for Kansas to take effective, reasonable steps to prevent child injuries and deaths from this most preventable life safety risk. HB 2732 will provide both the monetary incentive to prevent injuries⁵ as well as provide a means of educating the public about the grave dangers associated with leaving a child alone in a vehicle.

We cannot wait any longer or continue to stand by while families needlessly suffer the death or serious injury of a loved one. Every day, I work with parents who have had to bury a child and who cannot understand why were never warned about the dangers inherent in leaving children unattended in motor vehicles.

We are hopeful that the heightened public awareness and education that will occur as a result of passage of this bill will serve to save lives and reduce the number of tragic incidents involving children left unattended in vehicles.

You have the power to help prevent the tragic injuries and fatalities that families are suffering everyday from the death or serious injury of a loved one in a motor vehicle related tragedy.

KIDS AND CARS urges your support for HB 2732.

I would know like to read to you two children's books that we have made available to quickly communicate the need for this legislation. We have provided posters, brochures, window clings, magnets, etc. that we currently use to educate the public about these dangers.

I would also like you to 'hear' from the children. KIDS AND CARS has produced several 30 second PSAs that tell the story much better than I or anyone else could do. These PSAs show what IS happening everyday in Kansas. Please help us to protect the most innocent.

⁵ A monetary penalty is important because in reviewing the effectiveness of seat belt laws, it has been found that "no country has achieved sustained belt use rates above 35% without enactment of laws requiring their use." A publicity or education campaign alone was not effective. 2001 Seat Belt Summit, Automotive Coalition for Traffic Safety, Inc., January 11-13, 2001.



February 1, 2006

**Testimony Presented to the
House Transportation Committee
House Bill 2732**

I am pleased to provide testimony today on behalf of Safe Kids Kansas, a nonprofit coalition of 67 statewide organizations and businesses dedicated to preventing accidental injuries to Kansas children ages 0-14. Safe Kids Kansas has worked hard to assist in creating HB 2732, the Unattended and Unsupervised Children in Motor Vehicle Safety Act. In addition to providing for an education program to increase the awareness about the dangers of leaving children unsupervised in motor vehicles, it also provides penalties to drivers who do so.

One of Safe Kids' public education initiatives is entitled Never Leave Your Child Alone, created in partnership with sponsor General Motors to address this issue. We have distributed educational materials, including safety tips for parents and caregivers on what they need to know to keep kids safe around cars, particularly on warm days. We also have done public education campaigns encouraging parents to get into the habit of placing their purse or briefcase on the floor of the rear seat, near where the child is seated, to make sure they have to enter the rear seat before leaving the vehicle so that children are not inadvertently left alone in the vehicle.

In a survey conducted by Safe Kids a few years ago, 10 percent of parents believed that it was acceptable to leave a young child unattended in a vehicle. One in five parents between the ages of 18 and 24 felt that it was acceptable. Many parents underestimate the effects of leaving their child alone in parked car. They think that their child will be safe while they run into a store for "just a minute.

Results of leaving a child alone in a vehicle can be tragic:

- Even in mild weather (75degrees outside, first 30 minutes can climb to 120degrees) the interior of a parked car, even with the windows cracked can rise to dangerous temperatures in just a few minutes, and a small child's body temperature can increase three to five times as fast as an adult's. The resulting heat-related illness can cause permanent organ damage or death.
- Children can be strangled by power windows
- Children can set the vehicle in motion
- Children can fall out of the car and be run over
- Children can be abducted
- Children can choke on a toy or become caught in seat belts or other items in the car

House Transportation
Date: 2-1-06
Attachment # 7

While we do not know the full extent of the consequences of leaving children in cars because of lack of a national reporting system, the organization Kids And Cars has been tracking incidents through newspaper accounts. Their reports document 24 incidents of children left in cars in Kansas in the last five years, which resulted in injury or death to a child.

Sadly, these tragedies are completely preventable, but safety tips and public awareness programs are not enough. State laws and local ordinances prohibiting leaving children alone in vehicles are not rare. Eleven states now have laws; federal regulations prohibit leaving children under age 10 alone in vehicles on federal military installations. In Kansas, childcare and foster care providers are prohibited from leaving the child alone via state regulations. In fact, Kansas already has a law making it illegal to leave an animal alone in any place without making provisions for its proper care. These types of prohibitions complement educational efforts and go a long way toward keeping kids safe.

HB 2732 will provide another tool to law enforcement officers when they come upon the scene where a child has been left alone in a vehicle. At the current time, the officer can either scold the parent, or take the children into custody and charge the parent with child neglect or endangerment. In most cases, neither of these options is appropriate. The fine of \$25 for a first offense, while not too punitive, does let the parent know that leaving the child unattended is unacceptable. Having appropriate penalties will also encourage more adults to contact law enforcement when they see a child alone in a vehicle. Please note that nothing in the bill would preclude the prosecution of the parent under child endangerment statutes.

The member organizations of Safe Kids Kansas and our 36 local coalitions and chapters strongly support the passage of HB 2732 to provide both the monetary incentive to prevent injuries as well as provide a means of educating the public about the grave dangers associated with leaving a child alone in a vehicle.

Testimony Presented by:
Cindy Samuelson, Safe Kids Kansas

Attachments:
Safe Kids Kansas Member Organizations
Never Leave Your Child Alone

Safe Kids Kansas, Inc. is a nonprofit Coalition of 67 statewide organizations and businesses dedicated to preventing accidental injuries to Kansas children ages 0-14. Local coalitions and chapters are located in Allen, Anderson, Atchison, Clay, Dickinson, Doniphan, Douglas, Ellis, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, Meade, Mitchell, Montgomery, Nemaha, Osage, Pottawatomie, Republic, Rice, Riley, Saline, Smith, Shawnee, Wabaunsee, Wilson and Woodson Counties, as well as the cities of Chanute, Emporia, Leavenworth, Norton, Pittsburg, the Wichita Area and the Metro Kansas City Area. Safe Kids Kansas a member of Safe Kids Worldwide, a global network of organizations whose mission is to prevent accidental childhood injury.



Safe Kids Kansas Member Organizations

AAA Kansas
 American Academy of Pediatrics - KS
 Attorney General of Kansas
 Board of Emergency Medical Services
 Brain Injury Association of Kansas
 Children's Mercy Hospital
 Cusick Jost Consulting, LLC
 Dillon Stores
 Fire Education Association of Kansas
 Fire Marshal's Association of Kansas
 Kansas Academy of Family Practice Physicians
 Kansas Action for Children
 Kansas Association of Counties
 Kansas Assoc. of Local Health Dept.
 Kansas Assoc. of Osteopathic Medicine
 Kansas Association of School Boards
 Kansas Chapter International Assoc.
 of Arson Investigators
 Kansas Children's Cabinet & Trust Fund
 Kansas Chiropractic Association
 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 EMS Association
 Kansas Emergency Nurses Association
 Kansas Farm Bureau
 Kansas Foundation For Medical Care
 Kansas Head Start Association
 Kansas Healthy Start Home Visitors
 Kansas Highway Patrol
 Kansas Hospital Association
 Kansas Insurance Department
 Kansas MADD
 Kansas Medical Society
 Kansas Motor Carriers Association
 Kansas Operation Lifesaver
 Kansas Parent Teacher Association
 Kansas Public Health Association

Kansas Recreation & Park Association
 Kansas Rehabilitation Hospital
 Kansas SADD
 Kansas Safety Belt Education Office
 Kansas School Nurse Organization
 Kansas State Association of Fire Chiefs
 Kansas State Board of Education
 Kansas State Fire Marshal's Office
 Kansas State Firefighters Association
 Kansas State Nurses Association
 Kansas Trial Lawyers Association
 KIDS AND CARS
 KNEA
 KUMC Burn Center
 KUMC Trauma Program
 NHTSA Regional Office
 Mid-America Poison Control Center
 Office of the Governor
 Safety & Health Council Western MO & KS
 State Farm Insurance Companies
 State Capitol Area Fire Fighters Association
 Stormont-Vail Regional Medical Center
 United School Administrators of Kansas
 Via Christi - St. Francis Burn Center
 Via Christi - Trauma Center
 Wesley Medical Center

*Membership also includes Local Coalitions and Chapters located in Allen, Anderson, Atchison, Clay, Dickinson, Doniphan, Douglas, Ellis, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, Meade, Mitchell, Montgomery, Nemaha, Osage, Pottawatomie, Republic, Rice, Riley, Saline, Shawnee, Smith, Wabaunsee, Wilson and Woodson Counties; as well as the cities of Chanute, Emporia, Leavenworth, Norton, Pittsburg, Wichita Area, and Metro Kansas City.

Safe Kids Kansas is a member of Safe Kids Worldwide.

1/06

TESTIMONY FOR HOUSE BILL 2732

HOUSE TRANSPORTATION COMMITTEE

Thank you Chairman Hayzlett and members of the Committee

My name is Dr. Dennis Cooley. I am a practicing pediatrician in Topeka and am here today representing the Kansas Chapter of the American Academy of Pediatrics. The KAAP represents over 95% of the practicing pediatricians in the state. I am here in support of House Bill 2732.

Children left unattended in a motor vehicle are subject to many dangers. A recent study from the CDC found that there were 9160 injuries and 78 deaths due to children left unattended in or around motor vehicles in 2000-2001. Among the dangers are hyperthermia, injuries from accidental engagement of the vehicle, electric window entrapment, and abduction.

Of the 78 deaths the most frequent cause was hyperthermia. Hyperthermia can occur extremely rapidly, much quicker than most people realize. A case in point occurred in my practice. A few years back a child was left unattended in a locked car in the parking lot of our office. After the child was removed he was immediately brought into our office and his temperature was taken. The child's temperature was 103 degrees. It was estimated the child had been in the car only 15 to 20 minutes.

Even if the parent or caregiver leaves the child with the windows down there are still potential problems. There have been reports of children having been choked when electric windows have been raised while the child has his or her head out the window. It is easy for a child to shift a parked car out of gear.

House Transportation
Date: 2-1-06
Attachment # 8

In addition we are all shocked when we see and hear reports of children abducted from cars in which a parent had left the child alone. Unfortunately reports such as these are too frequent. Parents forget that it only takes a few minutes for a car-jacker steal a car along with any children left alone in that car.

Cars are not baby sitters. While that may seem intuitive to you and me it is not to everyone. This bill has an educational component to make the public aware of the problem along with a law enforcement provision. We feel that this two pronged approach is the best way to protect the children of Kansas.

Kansas already has a law that addresses leaving an animal unattended in a car. I am reminded that the first successful prosecution of a child abuse case in this country was under the provisions of cruelty to animals statutes. It strikes me that we should offer our children this same protection we offer our pets.

In summary the Kansas Chapter of the American Academy of Pediatrics supports passage of House Bill 2732

Thank You



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

Kansas Highway Patrol Summary of Written Testimony

2006 House Bill 2732

House Transportation Committee

February 1, 2006

The Kansas Highway Patrol appreciates the opportunity to comment on the changes set forth in 2006 HB 2732, as introduced.

The Highway Patrol, along with other law enforcement agencies and emergency medical personnel, too often witness the tragedies of child neglect. One example of neglect that can have fatal consequences is leaving a child unattended and/or unsupervised in a vehicle. In the heat, a child may suffocate or suffer from heat exhaust; and in the winter weather, a child may suffer from hypothermia. There are cases reported in Kansas, in which a child's curiosity and playfulness when left alone in a vehicle resulted in the child's neck getting stuck in a window. We have also seen the tragedies that have occurred after a vehicle is stolen while children are left in the vehicle unattended.

The Patrol is concerned about the enforcement aspect of the current version of HB 2732. The bill currently requires a law enforcement officer to perform a traffic stop to issue a citation to the driver. Under this provision, an officer would have to wait for the responsible party to return to the vehicle and drive away from the scene before initiating the traffic stop and issuing a citation. However, the Patrol understands that this provision will be amended; and with that change, the Patrol supports HB 2732.

The safety and protection of children is important to the Patrol, and for that reason, we encourage committee members to give HB 2732 careful consideration. Again, the Patrol appreciates the opportunity to share our comments and concerns on this important subject.

###

House Transportation
Date: 2-1-06
Attachment # 9

122 SW 7th Street, Topeka, Kansas 66603

Voice 785-296-6800

Fax 785-296-5956

www.KansasHighwayPatrol.org



KANSAS

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on HB2732

To

Committee on Transportation

By Lori Haskett
Director, Injury Prevention
Office of Health Promotion

Kansas Department of Health and Environment

Chairman Hayzlett and members of the Committee on Transportation, my name is Lori Haskett and I am the Director of the Injury Prevention Program at the Kansas Department of Health and Environment. Thank you for the opportunity to appear before you today regarding House Bill 2732, which proposes to enact the unattended and unsupervised children in motor vehicles safety act in Kansas.

There are serious dangers associated with leaving a young child alone in a car. For example, when the outside temperature is 80° F, the temperature inside a car receiving direct sunlight can reach 110° F after 5 minutes.¹ When a person's body temperature reaches 106° F, he or she can die or suffer permanent disability from heat stroke.² According to a July 2005 issue of Pediatrics, when the outside temperature ranged from 72 to 96°F, the temperature inside the car rose by about 40°F. The study also points out that "cracking" the windows did not affect the final temperature in the vehicle.³

Other serious dangers to children left unattended in cars include the risk of strangulation from power windows or accidentally setting the car in motion. The Centers for Disease Control and Prevention conducted an extensive study of injury to children left unattended in or around motor vehicles that were not in traffic⁴. From July 2000 through June 2001 they reported that 9,160 nonfatal injuries and 78 fatal injuries occurred among children less than fourteen years old. Eighty two percent of the deaths occurred in the 0-3 age group. The rate of injury among 0-4 was nearly double the rate of injury among children 5-14. The findings in this report are consistent with other studies that highlight the characteristics of nontraffic-related injuries and deaths among children, which indicate that leaving children unattended in and around motor vehicles are an important cause of completely preventable injuries and death. In the report, excessive heat exposure while in a motor vehicle was the most common cause of death among unattended children.

¹ Heat Stress From Enclosed Vehicles: Moderate Ambient Temperatures Cause Significant Temperature Rise in Enclosed Vehicles, McLaren, Null, Quinn, Pediatrics 2005; 116:109-112

² Heat Related Mortality, Arizona 1993-2002 and United States 1979-2002, Vol 54, NoMM 25:628

³ McLaren C et al: Pediatrics, July, 2005, electronic edition, pages e109-e112

House Transportation
Date: 2-1-06
Attachment # 10

Unattended children in cars is fast becoming recognized as a "car accident that can be prevented". Eleven states now have state laws that prohibit leaving young children alone in a motor vehicle. Currently in Kansas, the family pet is protected from being left unattended in vehicles by KSA 21-4310, which makes it unlawful to leave an animal in any place without making provisions for its proper care. It only seems reasonable to provide the same level of protection to Kansas children.

Thank you, again, for the opportunity to speak in support of HB 2732. I will be happy to answer any questions you might have.



everychild.one voice.

**Testimony Re: HB2732
Unattended and Unsupervised Children in Motor Vehicle Safety Act
House Transportation Committee
Presented by Laura Kaiser
President, Kansas PTA
February 1, 2006**

Mr. Chairman, Members of the Committee:

My name is Laura Kaiser, and I am the president of Kansas PTA. I am a volunteer. All of our members (nearly 34,000 from across Kansas) are volunteers. For more than 90 years, Kansas PTA has been advocating on behalf of all children.

The Kansas PTA Board of Managers voted last October to bring a resolution regarding unattended children in cars to our convention delegates in April for their adoption. This resolution notes that there are risks and deadly consequences related to leaving children unattended in and around cars – including the danger of abduction, heat stroke, strangulation, trunk entrapment, being backed over and personal injuries to the children or others caused by accidental and uncontrolled movement of the vehicle.

The resolution calls for Kansas PTA to support appropriate legislation making it illegal to leave children under the age of 10 unattended in vehicles and it calls for Kansas PTA to work with our collaborative organizations to address additional issues of child safety in and around vehicles that may be discovered in the future.

This issue is being brought forth as a resolution to our members in April due to the need to address the number of nonfatal injuries and fatalities that have occurred in young children as a result of being left unattended in or around motor vehicles that were not in traffic.

Thank you for your attention to this important issue.

KANSAS Congress of Parents and Teachers
715 SW Tenth Street
Topeka, KS 66612
Phone: 785-234-5782 - Fax: 785-234-4170
E-Mail: ks_office@pta.org
Website: www.ptasonline.org/kspta

House Transportation
Date: 2-1-06
Attachment # 11



1208 SW TYLER

TOPEKA, KANSAS 66612-1735

785.233.8638 • FAX 785.233.5222

www.nursingworld.org/snas/ks

ksna@ksna.net



ELLEN CARSON, PH.D., A.R.N.P., B.C.
PRESIDENT

THE VOICE AND VISION OF NURSING IN KANSAS

TERRI ROBERTS, J.D., R.N.
EXECUTIVE DIRECTOR
Terri Roberts J.D., R.N.
troberts@ksna.net

H.B. 2732 Unattended and Unsupervised Children in Motor Vehicle Safety Act *Written Testimony, February 1, 2006*

Chairman Hayzlett and members of the House Transportation Committee, the KANSAS STATE NURSES ASSOCIATION (KSNA) supports the public policy included in H.B. 2732 that will go a long way in protecting vulnerable children from unintentional injury and death.

The KANSAS STATE NURSES ASSOCIATION has been trying to address this issue and bring public awareness to it. In 2005, KSNA submitted a proposal to the AMERICAN NURSES ASSOCIATION (ANA) House of Delegates, which was approved (See attached.), and which called for the ANA to support a national public-awareness campaign to address this public-health concern. *The final recommendation included approaching the Ad Council for a nationwide campaign to increase public awareness about the dangers, and what to do if you see a child that is "at risk."* One of the most distressing concerns is that the public does not know what to do, and in many cases does nothing to intervene in a situation where a child or children may be at risk, such as being left alone locked in a car, in their car seats, on a hot day, with the windows rolled up. Calling law enforcement is a logical step, and this legislation, if passed, would give law enforcement authority to issue a ticket in such cases.

H.B. 2732 also contains a New Section *on line 22 of page 1* that would require the Secretary of Transportation to develop a program of public education that includes education about the inherent dangers of leaving young children unattended and unsupervised in motor vehicles. This is an excellent beginning to address this public-health concern. The KSNA American Nurses Association proposal was predicated on the same principle, a public-awareness campaign to raise awareness and to educate. We believe that this is essential for an effective prevention campaign.

Thank You for your support of H.B. 2732.

House Transportation
Date: 2-1-06
Attachment # 12

**American Nurses Association
2005 House of Delegates**

Resolution

Dangers of Leaving Children Unattended In and Around Motor Vehicles

WHEREAS, Every year many children are left unattended in and around motor vehicles; and

WHEREAS, There are risks with deadly consequences related to leaving children unattended in and around motor vehicles, for even short periods of time; and

WHEREAS, The temperature in a closed car/vehicle can climb to deadly extremes within 10-15 minutes even in mild heat; and

WHEREAS, The body composition of children makes them more susceptible to serious injury and death when exposed to extreme temperatures; and

WHEREAS, There is an increase in reported cases of children suffering serious injuries and death related to being left in unattended motor vehicles including heat stroke, abduction, trunk entrapment, fatal car crashes from putting a running car in gear, falling out of the car/vehicle resulting in being run over by the vehicle or head injuries, and injury or suffocation from automatic windows being rolled up; and

WHEREAS, This unnecessary suffering and death of children is a national tragedy and a major public health concern, therefore, be it

RESOLVED, That the American Nurses Association shall collaborate with other national nursing organizations, SafeKids, the Kids 'n Motor Vehicles Organization and other appropriate organizations to request the Ad Council's endorsement and adoption of a nationwide campaign to educate the public about the dangers of leaving children unattended in and around motor vehicles.

REFERENCE PROPOSAL
to the
American Nurses Association
2005 HOUSE OF DELEGATES

SUBJECT: Dangers of Leaving Children Unattended In and Around Motor Vehicles

RELEVANT CORE ISSUE: Patient Safety and Advocacy

INTRODUCED BY: Janice Jones, MN, RN, CNS, President
Kansas State Nurses Association

CO-SPONSORED BY: Maureen Nalle, PhD, RN, President
Tennessee Nurses Association
Mary Tittle, PhD, ARNP, President
Florida Nurses Association

REFERRED TO: Reference Hearing

EXECUTIVE SUMMARY: There is an escalation in the number of fatalities and injuries to children left unattended in and around motor vehicles. A national public awareness campaign is needed to address this public health concern. The American Nurses Association is uniquely positioned to bring this issue to the public's attention to reduce and prevent future injuries and harm to children.

RECOMMENDATIONS:

- 1
- 2
- 3 **WHEREAS**, every year many children are left unattended in and around motor vehicles; and
- 4
- 5 **WHEREAS**, there are risks with deadly consequences related to leaving children unattended in
- 6 and around motor vehicles, for even short periods of time; and
- 7
- 8 **WHEREAS**, the temperature in a closed car/vehicle can climb to deadly extremes within 10-15
- 9 minutes even in mild heat; and
- 10
- 11 **WHEREAS**, the body composition of children makes them more susceptible to serious injury
- 12 and death when exposed to extreme temperatures; and
- 13
- 14 **WHEREAS**, there is an increase in reported cases of children suffering serious injuries and
- 15 death related to being left in unattended motor vehicles including heat stroke, abduction, trunk
- 16 entrapment, fatal car crashes from putting a running car in gear, falling out of the car/vehicle
- 17 resulting in being run over by the vehicle or head injuries, and injury or suffocation from
- 18 automatic windows being rolled up; and

1 **WHEREAS**, this unnecessary suffering and death of children is a national tragedy and a major
2 public health concern,;

3
4 **THEREFORE, BE IT RESOLVED, that the American Nurses Association shall:**

- 5
6 1. Collaborate with other national nursing organizations, Safe Kids, the Kids 'n Motor Vehicles
7 Organization, and other appropriate organizations to develop an effective media campaign
8 that will educate parents, guardians, grandparents, babysitters, and the public regarding the
9 danger of leaving children in unattended motor vehicles, and
10
11 2. Request and enlist the support of the Ad Council in making this a nationwide campaign to
12 educate the public about the dangers of leaving children unattended in and around motor
13 vehicles, for even short periods of time.
14

15 **REPORT:**

16
17 A national report released in the summer of 2002 found that at least 78 children under the age of 14 died
18 and another 9,160 were injured between July 2000 and June 2001 when left unattended in motor
19 vehicles and trucks. More than a third of the deaths (27) were caused by excessive exposure, making it
20 the most common risk.
21

22 The report, prepared by the Centers for Disease Control and Prevention in Atlanta and the Trauma
23 Foundation Kids 'N Motor Vehicles program of San Francisco, found heat-exposure deaths surpassed
24 the Twenty-one deaths involving unwatched children backed over by a vehicle. Eighty-two percent of
25 total deaths occurred among children under four. Cases involving trunk entrapment and vehicles set into
26 motion by children while entering or leaving parked vehicles, were excluded from the report (CDC,
27 2002).
28

29 Some of the dangers children are exposed to when left unattended in or around parked motor vehicles
30 include:

- 31 ▪ Being inadvertently backed over in a driveway or parking lot;
32 ▪ Being left in a vehicle where the temperatures can reach deadly levels within minutes;
33 ▪ Knocking the vehicle into gear and setting the vehicle into motion;
34 ▪ Strangulation by a power window, sunroof or power accessory;
35 ▪ Being taken by a stranger in the course of a car theft;
36 ▪ Hopping into a car trunk during an innocent game of hide-and-seek;
37 ▪ Carbon monoxide poisoning;
38 ▪ Finding matches that set the car aflame;
39 ▪ Leaving the vehicle alone to go to the bathroom, or to go looking for the adult driver;
40 ▪ Being kidnapped from the vehicle (CDC, 2002, Nadler, 2001, Agran, 1994, Agran, 1991,
41 Winn et al 1991).

Statistics from the KIDS AND CARS database

<u>YEAR</u>	<u>INCIDENTS</u>	<u>CHILDREN INVOLVED</u>	<u>FATALITIES</u>
2005*	45	52	14
2004	404	523	165
2003	571	697	176
2002	435	602	133
2001	382	503	104
2000	308	397	79
1999	220	302	66

(*as of 2/17/2005)

Nine states already have legislation prohibiting children from being left in motor vehicles: California, Connecticut, Florida, Illinois, Maryland, Nebraska, Pennsylvania, Texas, and Washington. A number of other states have proposed legislation at this time.

Children are at great risk when left unattended in motor vehicles, with an escalating trend of incidences and fatalities. A nationwide public awareness campaign, like "designated driver" or "prevent forest fires," would be an effective way to reduce these incidences.

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4

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13 age. Pediatrics, 88, 776-82.
14

15 **Past House Action(s):**
16 N/A
17

18 **Relates to ANA Strategic Imperatives:**
19

20 _____ **I. Professional Practice Excellence**
21

22 ANA successfully champions professional nursing excellence through standards, code of
23 ethics, and professional development, such as credentialing and lifelong learning.
24

25 _____ **II. Healthcare & Public Policy**
26

27 ANA is an acknowledged leader in the formulation of effective healthcare and public
28 policy as they affect the profession and the public.
29

30 _____ **III. Knowledge & Research**
31

32 ANA is the recognized source for accurate, comprehensive health policy information
33 based on knowledge from research.
34

35 _____ **IV. Unification**
36

37 ANA facilitates unification and advancement of the profession.
38

39 _____ **V. Workforce & Workplace Advocacy**
40

41 ANA with its partners and through its organizational relationships is the leader in
42 promoting improved work environments and the value of nurses as professionals, essential
43 providers and decision makers in all practice settings.
44

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Relates to ANA Core Issues:

- Nursing Shortage**
- Appropriate Staffing**
- Workplace Rights**
- Health & Safety**
- Patient Safety & Advocacy**

**American Nurses Association
2005 HOUSE OF DELEGATES**

1
2
3

SUBJECT OF PROPOSAL:	Dangers of Leaving Children Unattended In and Around Motor Vehicles		
INTRODUCED BY:	Janice Jones, MN, RN, CNS		
	President, Kansas State Nurses Association		
CONTACT PERSON:	Terri Roberts, JD, RN	PHONE:	785-233-8638
(Name, including Credentials)	Executive Director, Kansas State Nurses Association	FAX:	785-233-5222

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Suggested Implementation Activities:

1. Identify a national slogan to raise public awareness about the dangers of leaving children in and around motor vehicles. Include as part of the message what to do if you see a child in this type of danger.
2. Approach Safe Kids and other national organizations (health and children's advocacy) to add this campaign to their efforts.
3. Recommend this public health issue to the Ad Council for a nationwide campaign for public awareness.



February 1, 2006

To: House Transportation Committee
From: Cindy D'Ercole
Re: House Bill 2732

Kansas Action for Children Inc.
720 SW Jackson | Suite 201
Topeka, KS 66603

P 785-232-0550 | F 785-232-0699
kac@kac.org | www.kac.org

Celebrating 25 years
of child advocacy

Kansas Action for Children supports enactment of House Bill 2732.

Each year, children are injured or killed as a result of being left alone in motor vehicles. Even safety conscious parents and caregivers leave children alone in automobiles "just for a minute" for a variety of reasons. The primary reason, however, is that they are truly unaware of the danger of leaving them alone.

There are serious dangers associated with leaving a young child alone in a car. Most people are familiar with the example of children dying after being left alone in a hot car. Due to a tragic accident, people in Kansas also know that cars can be stolen with children still sitting in the back seat. However children have also died from being strangled by a power window, carbon monoxide poisoning or choking on a toy. Children have also knocked cars into gear and were injured in an ensuing accident or have fallen out and been run over.

HB 2732 can immediately have a significant impact by educating parents and greatly reducing the risk to children through increased awareness. It will also give law enforcement another tool that will better help them address the situation appropriately without charging the caregiver with child endangerment or neglect.

We know that even with the most aggressive education campaign, people's behavior is slow to change over time. We also know that laws are an immediate intervention with quick results. It is time for Kansas to take effective, reasonable steps to prevent child injuries and deaths from this preventable safety risk. HB 2732 will immediately educate the public about the grave dangers associated with leaving a child alone in a vehicle.

EXECUTIVE DIRECTOR

Gary Brunk

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- Zenab Mebed
- Linda Newman
- Marge Petty
- Pam Shaw, MD

House Transportation
Date: 2-1-06
Attachment # 13

Kansas House Transportation Committee
Written Testimony for HB 2732
Unattended and Unsupervised Children in Motor Vehicle Safety Act
February 1, 2006

Good afternoon. Please accept this written testimony in support of HB2732, Unattended and Unsupervised Children in Motor Vehicle Safety Act. Children's Mercy Hospital supports this legislation as it will prohibit leaving young children along in a motor vehicle. Kansas already has laws making it illegal to leave an animal alone in any place without making provisions for its proper care.

Frankly, the empirical data to document the frequency of this practice is lacking in our state although most of us know from our own observations... that it is pervasive. Fatal outcomes are widely publicized through the media when a child dies from strangulation, hyperthermia or abduction. It is common to park my car and notice that a car next to me is occupied by two or three young children, less than 12 years of age. Why do parents/drivers feel it is "safe" to leave the children alone in a public area when we have laws that prohibit leaving them unattended in the safety of their own home?

A 2003 Centers for Disease Control and Prevention (CDC) study reports that during July 2000-June 2001, an estimated 9,160 nonfatal injuries and 78 fatal injuries occurred in children 14 and younger as a result of being left unattended in or around motor vehicles that were not in traffic. KIDS AND CARS has documented over 1000 child deaths in the US within the last decade because children were left unattended in or around vehicles.

This bill offers a "reasonable" approach to the situation that puts children at risk, to address the need of prevention and education of the dangers of such practice. HB2732 will provide both the monetary incentive to prevent injuries as well as provide a means of educating the public about the grave dangers associated with leaving a child alone in a vehicle.

In conclusion, Children's Mercy Hospitals & Clinics along with Safe Kids, KIDS AND CARS and other safety advocates support House Bill 2732. Thank you for considering the safety of our children.

Phyllis Larimore BSN, CPS Educator
Car Seat Program Coordinator
Children's Mercy Hospitals & Clinics
2401 Gillham Road
Kansas City, MO 64108-4619
816-234-1607

House Transportation
Date: 2-1-06
Attachment # 14

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY SUBMITTED TO HOUSE TRANSPORTATION COMMITTEE

REGARDING HOUSE BILL 2732 UNATTENDED AND UNSUPERVISED CHILDREN IN MOTOR VEHICLES SAFETY ACT

February 1, 2006

Mr. Chairman and Committee Members:

The Kansas Department of Transportation (KDOT) is providing written testimony in support of House Bill 2732, regarding unattended and unsupervised children in motor vehicles.

The legislation makes it unlawful to leave a child eight years of age or less unattended or unsupervised in a motor vehicle. It also sets forth penalties for being in violation of the law. We believe that passage of this bill including the education and awareness components within the bill will make young children in Kansas safer.

The bill calls for KDOT to develop a public education program and provide information for law enforcement officers to distribute. We stand ready to do our part. We estimate the costs of developing the campaign and providing materials to be approximately \$15,000. KDOT will be able to utilize federal safety funds to pay these costs.

KDOT supports passage of this safety legislation.

House Transportation
Date: 2-1-06
Attachment # 15

HOUSE BILL No. 2732

By Representative Huff

1-25

9 AN ACT relating to motor vehicles; enacting the unattended and unsu-
10 pervised children in motor vehicles safety act; amending K.S.A. 8-2106
11 and repealing the existing section.
12

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

14 New Section 1. (a) As used in this section:

15 (1) "Motor vehicle" shall have the meaning ascribed to it in K.S.A.
16 8-1437, and amendments thereto; and

17 (2) "unattended and unsupervised" means leaving a child in a motor
18 vehicle not accompanied by another person 13 years of age or older.

19 (b) It shall be unlawful for any driver who is 16 years of age or older
20 to leave a child eight years of age or less unattended and unsupervised in
21 a motor vehicle.

22 (c) (1) Any driver violating the provisions of subsection (b), upon a
23 first conviction, shall be guilty of an unclassified misdemeanor punishable
24 by a fine of \$25.

25 (2) Any driver convicted of violating the provisions of subsection (b)
26 within three years of any such prior conviction shall be guilty of a class C
27 misdemeanor and shall be subject to a fine of at least \$250 but not more
28 than \$500.

29 (d) The provisions of this section shall be enforced by law enforce-
30 ment officers on public and private property.

31 (e) Nothing in this section precludes prosecution under any other
32 provision of law.

33 New Sec. 2. The secretary of transportation shall develop a program
34 of public education that includes education on and increases the aware-
35 ness of the dangers of leaving young children unattended and unsuper-
36 vised in motor vehicles. As part of this program, the Kansas department
37 of transportation shall make available to law enforcement officers for dis-
38 semination, information concerning the dangers of leaving young children
39 unattended and unsupervised in motor vehicles.

40 New Sec. 3. The provisions of sections 1 and 2, and amendments
41 thereto, may be cited as the unattended and unsupervised children in
42 motor vehicles safety act.

43 Sec. 4. K.S.A. 8-2106 is hereby amended to read as follows: 8-2106.

Proposed by KHP
balloon amendment
for HB 2732
2732h1
House Transportation
2-1-06
Attachment 16

2-91

1 (a) A law enforcement officer may prepare and deliver to a person a
2 written traffic citation on a form approved by the division of motor ve-
3 hicles, if the law enforcement officer stops the person for a violation of:

4 (1) The uniform act regulating traffic on highways, which violation is
5 a misdemeanor or a traffic infraction;

6 (2) K.S.A. 8-262, 8-287, 8-2,144, 21-3610, 21-3610a, 21-3722, 21-
7 3724, 21-3725, 21-3728, 21-4101, 40-3104, 40-3106, 41-715, 41-724, 41-
8 727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-
9 1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106, subsection (b) of
10 K.S.A. 79-34,122, or K.S.A. 8-1599, and amendments thereto;

11 (3) K.S.A. 31-155 and amendments thereto involving transportation
12 of bottle rockets;

13 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any
14 rules and regulations adopted pursuant thereto;

15 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-
16 2001 or 31-146, and amendments thereto;

17 (6) any rules and regulations adopted pursuant to K.S.A. 31-133 and
18 amendments thereto relating to transportation of materials or fuel; ~~or~~

19 (7) K.S.A. 8-1343 through 8-1347 and amendments thereto relating
20 to the child passenger safety act; ~~or~~

21 (8) K.S.A. 8-2501 through 8-2507 and amendments thereto relating
22 to the safety belt use act; ~~or~~

23 ~~(9) section 1, and amendments thereto, relating to the unattended and~~
24 ~~unsupervised children in motor vehicles safety act.~~

25 (b) The citation shall contain a notice to appear in court, the name
26 and address of the person, the type of vehicle the person was driving,
27 whether hazardous materials were being transported, whether an acci-
28 dent occurred, the state registration number of the person's vehicle, if
29 any, a statement whether the vehicle is a commercial vehicle, whether
30 the person is licensed to drive a commercial motor vehicle, the offense
31 or offenses charged, the time and place when and where the person shall
32 appear in court, the signature of the law enforcement officer, and any
33 other pertinent information.

34 (c) The time specified in the notice to appear shall be at least five
35 days after the alleged violation unless the person charged with the vio-
36 lation demands an earlier hearing.

37 (d) The place specified in the notice to appear shall be before a judge
38 of the district court within the county in which the offense is alleged to
39 have been committed.

40 (e) Except in the circumstances to which subsection (a) of K.S.A. 8-
41 2104, and amendments thereto, apply, in the discretion of the law en-
42 forcement officer, a person charged with a misdemeanor may give written
43 promise to appear in court by signing at least one copy of the written

or

(b) A law enforcement officer may prepare and deliver to a person a written traffic citation on a form approved by the division of motor vehicles for a violation of

and by relettering the remaining subsections accordingly

1 citation prepared by the law enforcement officer, in which event the law
2 enforcement officer shall deliver a copy of the citation to the person and
3 shall not take the person into physical custody.

4 (f) When a person is charged with a traffic infraction, the notice to
5 appear shall provide a place where the person may make a written entry
6 of appearance, waive the right to a trial and plead guilty or no contest.
7 The notice to appear shall provide a space where the law enforcement
8 officer shall enter the appropriate fine specified in the uniform fine sched-
9 ule contained in K.S.A. 8-2118, and amendments thereto, for the violation
10 charged and court costs in the amount provided by law. If the notice to
11 appear does not do so, the law enforcement officer shall provide a person
12 charged with a traffic infraction a form explaining the person's right to
13 appear and right to a trial, the person's right to pay the appropriate fine
14 and court costs prior to the appearance date, and that failure to either
15 pay such fine and court costs or appear at the specified time may result
16 in suspension of the person's driver's license. The law enforcement officer
17 shall provide the person with the address of the court to which the written
18 entry of appearance, waiver of trial, plea of guilty or no contest and pay-
19 ment of fine and court costs shall be mailed.

20 (g) Any officer violating any of the provisions of subsection (f) is guilty (g)
21 of misconduct in office and shall be subject to removal from office.

22 Sec. 5. K.S.A. 8-2106 is hereby repealed.

23 Sec. 6. This act shall take effect and be in force from and after its
24 publication in the statute book.