

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 21, 2006 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Representative David Huff
Janette Fennell, Kids in Cars
Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics
Cindy Samuelson, Safe Kids Kansas
Colonel William Seck, Kansas Highway Patrol
Cindy D'Ercole, Kansas Action for Children
Jim Hanni, American Automobile Association

Others attending:

See attached list.

Chairman Donovan opened the hearing on **HB 2732 - Enacting unattended and unsupervised children in motor vehicles safety act.**

Representative David Huff, said there is a need for a law to raise public awareness about the dangers of leaving children unattended inside motor vehicles. Children left alone in motor vehicles have died or been injured in Kansas. **HB 2732** deals with the adults who leave these children unattended. There are no harsh penalties in the bill for this unclassified misdemeanor and there will be federal funds available for public education. (Attachment 1)

Janette Fennell, Kids in Cars, said her organization is dedicated to eliminating the common practice of leaving children unattended in motor vehicles, reducing the incidence of injury and death. Through education and legislation, the practice of leaving children unattended in motor vehicles can be greatly reduced. Currently, a law enforcement officer has only two choices when this occurs. (1) Find the parent and scold them, or (2) Take the children from the parents and put them in child protective services and charge the parent or care giver with a child endangerment or neglect charge. One choice is not enough and the other choice is too harsh. This bill will give law enforcement another tool to use. She showed the committee several Public Service Announcements (PSA's) warning against the danger of leaving a child in a car. (Attachment 2)

Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics, spoke in support of the bill. He relayed an experience of a child being left unattended in a locked car in the parking lot of his office. The child's temperature reached 103degrees in what was estimated to have been only 15 to 20 minutes in the locked car. Cars are not babysitters. **HB 2732** has an educational component to make the public aware of the problem along with a law enforcement provision. (Attachment 3)

Cindy Samuelson, Safe Kids Kansas, said they worked hard to assist in creating **HB 2732**, the Unattended and Unsupervised Children in Motor Vehicle Safety Act. In a survey conducted by Save Kids a few years ago, 1 in 5 parents between the age of 18 and 24 felt it was acceptable to leave a young child unattended in a vehicle. They thought their child would be safe while they ran into a store for just a minute. They didn't understand the possible dangers including : heat stoke, strangulation, or abduction. Federal funding will be used for the education element of the bill. (Attachment 4)

Colonel William Seck, Kansas Highway Patrol, directed the committee's attention to the PSA's . He said when he was with the FBI he spent many hours investigating the kidnaping of children. He said there are a lot of child predators out there, just like the one shown on the PSA, who are looking for an opportunity. If a

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child is not recovered within 24 hours, the chances of recovering him alive are very slim. He thinks this point alone is enough to warrant the passing of this legislation. We have to be in a position to help those who can't help themselves. ([Attachment 5](#))

Kansas PTA - Written only ([Attachment 6](#))

Kansas Department of Transportation - Written only ([Attachment 7](#))

Kansas Department of Health and Environment - Written only ([Attachment 8](#))

Kansas State Nursing Association - Written only ([Attachment 9](#))

Trauma Foundation - Written only ([Attachment 10](#))

Advocates for Highway and Auto Safety - Written only ([Attachment 11](#))

Chairman Donovan closed the hearing on **HB 2732** and opened the hearing on:

HB 2611 - Child passenger safety act, booster seats.

Cindy Samuelson, Safe Kids Kansas, urged the committee to pass **HB 2611** so Kansas can join 34 other states and D.C. that now have booster seat laws to protect their children. Motor vehicle crashes are still the leading cause of death for Kansas children age 1 thru 17. Current law requires children 0-4 to use a child safety seat. Since the early 80's there's been a 53% decrease in deaths from motor vehicle crashes in this age group. Kansas does not require booster seats for children over 4. There has been only a 4% reduction in that age category in the same time period. Seat belts don't fit 4 to 8 year olds, so the usage is only about 49%. A belt-positioning booster seat makes the seat belts fit and feel better. A recent study shows that children who use a booster seat are 59% less likely to be injured in a crash than children who were restrained by only a safety belt. ([Attachment 12](#))

Cindy D'Ercole, Kansas Action for Children, said there is no question that booster seats work. They dramatically reduce the risk of injury because seat belts are made for adults. They reduce the risk of injury by 59%. Not compared to not being restrained, but compared to seat belts. The bill requires the use of appropriate child restraints for children until they are age 8, or 4' 9", or 80 lbs. It also increases the fine from \$20 to \$60. The law will be introduced in an educational manner, there will be a one year waiting period and a citation will be dismissed with proof of obtaining a booster seat. ([Attachment 13](#))

Colonel William Seck, Kansas Highway Patrol, said the KHP is constantly asked about what the law is but they also talk about what the best practices are. The best practices right now is that a child passenger safety seat is required up to the age of 4, and for children age 4 to 14, they must be secured in a seat belt. The whole key is to get booster seat legislation passed in an effort to get the children set higher to avoid the neck and abdomen injuries they are seeing. He said enforcement goes hand in hand with education. ([Attachment 14](#))

Jim Hanni, American Automobile Association, said they did a poll of their members in 2005 and nearly 70% of Kansas respondents answered "favor" to the question "do you favor or oppose a state law requiring children age 4 through 7 to be transported in an approved booster seat?" Kansas could receive federal incentive grant money if a qualifying booster seat law is passed. It's provided by NHTSA to Kansas' 402 fund. He recommended favorable passage of the bill. ([Attachment 15](#))

Kansas Department of Transportation - Written only ([Attachment 16](#))

Kansas Department of Health and Environment - Written only ([Attachment 17](#))

Kansas State Child Death Review Board - Written only ([Attachment 18](#))

Kansas State Nursing Association - Written only ([Attachment 19](#))

Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics ([Attachment 20](#))

Safe Kids - Metro Kansas City - Written only ([Attachment 21](#))

Children's Mercy Hospitals & Clinics - Written only ([Attachment 22](#))

Senator Hensley said that in KDOT's testimony there is reference made that a warning citation in **HB 2611** (Ln 36 through Ln 39 on page 2) will render Kansas out of compliance with federal law. He asked them to elaborate on that.

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Terry Heidner, KDOT, said they talked to NHTSA and, yes, the exemption for out of state drivers does put us in noncompliance for the additional incentive funds.

Senator Hensley asked what the rationality of the amendment was. Gary said that was a good question, the person who put it on voted against the bill.

Bruce Kinzie said there was a technical amendment needed on some verbiage that is in the wrong place and needs to be moved and another revision regarding the distribution of the fines.

Senator Schmidt made a motion to remove lines 36 through 39 on page 2. Senator Petersen seconded the motion. The motion carried.

Senator Hensley made a motion to adopt the technical amendment Bruce Kinzie suggested. Senator Schmidt seconded the motion. The motion carried.

Senator Hensley made a motion to move **HB 2611** favorably as amended. Senator Schmidt seconded the motion. The motion carried. Senator Donovan will carry the bill.

Chairman Donovan asked the committee's wishes on **HB 2732**.

Senator Schmidt made a motion to move **HB 2732** out favorably. Senator Palmer seconded the motion. The motion carried. Senator Schmidt will carry the bill.

The meeting adjourned at 9:25 a.m.

The next meeting is scheduled for February 22, 2006.

**SENATE TRANSPORTATION COMMITTEE
GUEST LIST**

DATE: February 21, 2006

NAME	REPRESENTING
Janette E Fennell	Kids And Cars
Craig Samuelson	Kansas Safe Kids
Rep Dave Huff	
Jan Heglerman	Safe Kids Kansas
Gov. K. Haskett	KDHE
Cindy D'Ercole	KAC
John Meertz	KID
Ben Gaches	AAA Kansas
Genhhr	KHP
Dennis Cooley and	KAAP
PAT LEHMAN	SAFE Kids KS
William Seck	KHP
Ken Gudenkaut	KDOT
Lindsey Douglas	Hein Law Firm
Janna Gunkle	SRS
Jennifer Emmanuelli	SKS
Terry Heidner	KDOT
Jim HANNI	AAA KANSAS

Thank you Chairman Donovan, Vice Chair Wilson and Ranking Member Gilstrap.

Mr. Chairman: 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 there will be federal funds available for public education on this very important subject.

We know the problem:

Children have been left alone in a motor vehicle have died or been injured in Kansas.

Children can suffer heatstroke: when the outside temperature is 80 degrees the temperature inside a car receiving direct sunlight can reach 110 degrees after 5 minutes. Cracking the window does not alter the interior temperature.

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 or injured if the car is stolen.

Children can choke on a toy or become caught in seatbelts or other items in the car.

Children can die from carbon monoxide poisoning.

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 economic 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. Through legislation and education the practice of leaving children unattended in motor vehicles can be greatly reduced.

HB 2732 will provide another tool to law enforcement officer when they come upon the scene where a child has been left alone in a vehicle. Currently a law enforcement officer only has 2 choices: (1) they can try to locate the parent or caregiver and give them a scolding; or (2) take the children from the parents and put them in child protective service 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. The "tool" that law enforcement needs is a specific law against this practice. It enables

them and the community to educate parents and caregivers to better understand the dangers to leaving children alone and unsupervised in motor vehicles.

In closing Mr. Chairman, 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. Our Troopers and law enforcement officers will be able to supply this information to the different groups they talk with around the state.

HB 2732 will also help empower the public to feel comfortable and confident that they are doing the right thing by reporting when they come upon innocent young children that have been left alone in a vehicle. In Kansas we have a law prohibiting leaving an animal alone in a vehicle. We have a law that prohibits child care providers from leaving children in a car. Mr. Chairman we also need a law prohibiting leaving our children alone in a vehicle. I will stand for questions at the appropriate time.

Rep. David Huff

Republican Bill Brief for HB 2732

Sponsored by: Representative Huff

Final Action: Favorable for passage as amended

Reporting Committee: Transportation

Date: February 1, 2006

A Bill Concerning: Enacting unattended and unsupervised children in Motor Vehicles Safety Act

What Bill Does: Makes leaving a child in an unattended and unsupervised vehicle, whether on public or private property, an unclassified misdemeanor punishable by a fine of \$25 for the first offense and a Class C misdemeanor subject to a fine of at least \$250, but not more than \$500 for second offense within a three year period.

Unattended and unsupervised means leaving a child in a car not accompanied by another person 13 years of age or older or leaving a child 8 years or younger unattended and unsupervised in a car.

Political Reality/Implications:

Committee Amendments: 1. Removes the requirements that an officer make a traffic stop because they are already stopped. It allows the officer to use the short form for ticketing.

Possible Floor Amendments:

Proponents: Representative David Huff
Jannette Fennell, Kids and Cars
Cindy Samuelson, Safe Kids Kansas
Dennis Cooley, MD, American Ass'n for Pediatrics
Lt. John Eichkorn, KS Highway Patrol
Lori Haskett, KS Dept. Health and Environment
Laura Kaiser, President, KS PTA, Overland Park

WRITTEN TESTIMONY ONLY

Terri Roberts, KS State Nurses Ass'n
Cindy D'ercole, KS Action for Children
Children's Mercy Hospital
Emergency Nurses Ass'n
KDOT

Opponents: None

Fiscal Note: None

Who will carry the Bill: Representative David Huff



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

TO: Senator Donovan, Chair
Transportation Committee

FROM: Janette E. Fennell
President
KIDS AND CARS

DATE: February 21, 2006, 8:30 a.m.

SUBJECT: **SUPPORT** of HB 2732

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 our database doesn't capture all such incidents since we do not have the resources to conduct a census study. 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.

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)

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 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, vehicles that can be inadvertently knocked into gear or the many other dangers children face when left alone inside a vehicle.

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.

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

From 1998 through 2005 in the US, 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 and since 2001, at least 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 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 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., 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.

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

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 they 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 now like to read to you two children's books that we make 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.....our children.

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.

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



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Kansas Chapter

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TESTIMONY FOR HOUSE BILL 2732

SENATE TRANSPORTATION COMMITTEE

Kansas Chapter Executive Committee

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Thank you Chairman Donovan 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.

Senate Transportation Committee
February 21, 2006
Attachment 3

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



February 21, 2006

**Testimony Presented to the
Senate 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.

The results of leaving a child alone in a vehicle can be tragic:

- Children can suffer heatstroke: When the outside temperature is 80 degrees, the temperature inside a car receiving direct sunlight can reach 110 degrees after 5 minutes. A small child's body temperature increases three to five times as fast as an adult's. Cracking the window does not alter the interior temperature.
- 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

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 the child.

Sadly, these tragedies are completely preventable, but safety tips and public awareness programs are not enough. State laws and public policies prohibiting leaving children alone in vehicles complement educational efforts and are not rare. Eleven states now have laws; federal regulations prohibit leaving children under age 10 alone in vehicles on federal military installations. Kansas state regulations prohibit childcare and foster care providers from leaving the child alone in a 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.

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. However, when you get to the point where a charge of child endangerment or child neglect is invoked it is too late – the child has already been injured or worse. HB 2732 is about preventing these tragedies before they happen.

The member organizations of Safe Kids Kansas and our 36 local coalitions and chapters strongly support the passage of HB 2732, a reasonable approach which provides both the monetary incentive to prevent injuries as well as 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
 HCC Fire Service Training Program
 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



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

Kansas Highway Patrol Summary of Testimony

2006 House Bill 2732

Senate Transportation Committee

February 21, 2006

Good morning, Mr. Chairman and members of the committee. I am Colonel William Seck of the Kansas Highway Patrol, and I appreciate the opportunity to comment today on the changes set forth in 2006 HB 2732.

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 also have seen the tragedies that have occurred after a vehicle is stolen while children are left in the vehicle unattended.

The provisions set forth in HB 2732 will support the Patrol's endeavors to prevent unfortunate things from happening to children. Kansas laws are designed to deter criminal activity and promote what is best for the citizens and visitors of our state, and certainly HB 2732 will help achieve those goals.

The safety and protection of children are important to the Patrol, and for those reasons, we support HB 2732. Again, the Patrol appreciates the opportunity to share our comments with you on this important subject.

###



everychild.one voice.

**Written Testimony Re: HB 2732
Unattended and Unsupervised Children in Motor Vehicle Safety Act
Senate Transportation Committee
February 21, 2006 8:30 a.m.**

Mr. Chairman, Members of the Committee:

For more than 90 years, Kansas PTA has been advocating on behalf of all children. We have nearly 34,000 members from across Kansas – all volunteers.

The Kansas PTA Board of Managers adopted a resolution regarding unattended children in cars. It will be brought 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 8 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.

It is vitally important to not only educate the public on the dangers but to also enact legislation to deter this dangerous, tragic and preventable practice. HB 2732 gives law enforcement officers a much needed tool. Eleven states have adopted state laws addressing this issue. Kansas already has a law making it illegal to leave an animal alone in any place without making provisions for its proper care. Isn't it terrible that no such law exists for children? Your action will help save the lives of innocent children.

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Laura Kaiser".

Laura Kaiser
Kansas PTA President

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

Senate Transportation Committee
February 21, 2006
Attachment 6

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY SUBMITTED TO SENATE TRANSPORTATION COMMITTEE

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

February 21, 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.



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 Donovan 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 deaths. 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



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

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.



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 21, 2006*

Chairman Donovan and members of the Senate 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.

THE MISSION OF THE KANSAS STATE NURSES ASSOCIATION IS TO PROMOTE PROFESSIONAL NURSING, A UNIFIED VOICE FOR NURSING IN KANSAS AND TO ADVOCATE FOR THE HEALTH AND WELL-BEING OF ALL KANSAS RESIDENTS. KSNA IS A CONSTITUENT OF THE AMERICAN NURSES ASSOCIATION.

Senate Transportation Committee
February 21, 2006
Attachment 9

January 31, 2006



TRAUMA FOUNDATION

Kansas State Legislature

BOARD OF DIRECTORS
Andrew McGuire,
Executive Director

Maggie Escobedo-Steele
David Grubb
Deirdre H. Henderson
Gary Mason
Cher McIntyre
Paul O'Rourke, MD
William Schectel, MD

FOUNDER
Donald D. Tronkey, MD

**RE: HB 2732 - Support
Unattended and Unsupervised Children in Motor Vehicles Safety Act**

I am writing today in support of your bill, HB 2732, the Unattended and Unsupervised Children in Motor Vehicles Safety Act.

HB 2732 will result in a decrease in the number of children who are fatally or otherwise injured as a result of being left unattended and unsupervised in motor vehicles. Such injuries and deaths occur at an alarming rate. By mid-December last year, 213 children died nationwide as a result of being left unattended in or around vehicles, an increase from the 169 fatalities in 2004. As you know, accidents of this sort are overwhelmingly tragic for the families involved because they so often occur out of carelessness and could have been prevented. Children should *never* be left unattended or unsupervised in motor vehicles. Your bill, HB 2732, will help reduce the number of tragic incidents that results when they are left alone. In addition to requiring that misdemeanor sanctions be placed on violators, HB 2732 will raise public awareness about this issue through a mandated public education program—an all-important public safety prevention tool.

The Trauma Foundation, a non-profit policy center based in San Francisco, is dedicated to the prevention of injuries. We have worked extensively with Kids and Cars—a Kansas-based national nonprofit organization—to reduce the number of injuries and young lives lost as a result of these preventable accidents. Along with Kids and Cars, we are committed to doing what we can to ensure that no child dies or is injured in a non-traffic, non-crash motor vehicle related event. Consequently, the Trauma Foundation wholeheartedly supports HB 2732 as a policy measure that can reduce injuries and save the lives of our most vulnerable members of society: our children.

Sincerely,

Andrew McGuire
Executive Director

AM/db
cc: Janette Fennell, Kids and Cars

San Francisco General Hospital
San Francisco, California 94110
415.821.8209
415.821.8202 Fax
www.tf.org

Senate Transportation Committee
February 21, 2006
Attachment 10



ADVOCATES FOR HIGHWAY AND AUTO SAFETY

February 1, 2006

Co-Chairs:

Herman Brandau
State Farm Insurance Companies
Jack Gillis
Consumer Federation of America

President:

Judith Lee Stone

Kansas State Capitol
300 SW 10th Street
Topeka, KS 66612

Consumer and Safety

Organizations:

Georges C. Benjamin, M.D., FACP
American Public Health
Association
Joan Claybrook
Public Citizen
Clarence Ditlow
Center for Auto Safety
Janette E. Fennell
KIDS AND CARS
Wendy Hamilton
Mothers Against Drunk
Driving (MADD)
Stephen W. Hargarten, M.D., MPH
American College of
Emergency Physicians
Ralf Hotchkiss
Whirlwind Wheelchair
International
San Francisco State University
Mary Jagim, R.N., BSN, CEN
Emergency Nurses Association
Andrew McGuire
Trauma Foundation
Hubert Williams
Police Foundation

Insurance and Agents

Organizations:

Wesley Bissett
Independent Insurance Agents
and
Brokers of America, Inc.
Patricia Borowski
National Association of
Professional Insurance Agents
J. Paul Condrin III
Liberty Mutual
Insurance Company
Steven E. George
USAA
Timothy Hoyt
Nationwide Insurance
Michael J. McCabe
Allstate Insurance Company
John Mullen
Unitrin

Advocates for Highway and Auto Safety (Advocates), an alliance of consumer, law enforcement, health and safety groups and insurance companies working together to make America's roads safer, is writing to urge your support for House Bill 2732, legislation that would upgrade Kansas' child protection standards. This bill aims to stop the preventable deaths and injuries that result from leaving children unattended in motor vehicles.


Children have suffered from hyperthermia, strangulation, head crush injuries, fractures and burns when left unattended in or around vehicles. KIDS AND CARS, a nonprofit organization dedicated to promoting an end to the practice of leaving children unattended in or around motor vehicles, has developed a national database on this issue. They have found that in 2005, there were at least 414 cases including 539 victims and 220 fatalities in the United States.

Current Kansas law only provides two extreme options for law enforcement officers when they find a child has been left alone in a vehicle. They can either give a verbal warning to the parent or caregiver, or they can remove the child and place them in child protective custody. HB 2732 provides a more reasonable two-pronged solution. First, HB2732 authorizes the use of fines, which increase for repeat offenders. Secondly, HB2732 authorizes the development of a state - wide education program to increase awareness about the dangers of leaving children unsupervised in motor vehicles

This legislation is not intended to be punitive. Rather, it educates well-meaning parents and caregivers who are not aware of the deadly consequences of such action. Advocates urges you to protect Kansas' children by supporting HB 2732.

Thank you for your consideration.

Sincerely,



Judith Lee Stone
President

750 First Street, NE Suite 901 Washington, DC 20002 Tel: 202/408/1711 Fax: 202/408-1699
World Wide Web: <http://www.saferoads.org>

Senate Transportation Committee
February 21, 2006
Attachment 11



February 22, 2006

**Testimony Presented to the
Senate Transportation Committee
House Bill 2611**

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 has worked hard to assist in creating legislation that provides Kansas parents with better guidance on how to protect their children by closing certain gaps in our current Child Passenger Safety law. We urge you to pass HB 2611 so that Kansas will join the other thirty-four states and D.C. that now have booster seat laws to protect their children.

Motor vehicle crashes are still the leading cause of death for Kansas children ages one through 17. Kansas may be failing its children in the area of child passenger safety - particularly after they reach the age of 4. Kansas law now requires children age 0-4 to use a child safety seat. Since the early 1980's there has been an impressive 53% decrease in death rates from motor vehicle crashes among the 0-4 age group in our state. Kansas *does not* require booster seats for children over the age of 4; there has only been a 4% reduction in death rates in that age category in the same time period.

The Kansas observational survey conducted this past year by KDOT found that nearly 81% of children ages 0-4 were observed in child passenger restraints. However, in the 5-9 age group, only 49% were observed appropriately restrained. One reason for this drop is that seat belts, which were designed for adults, do not fit a 4 to 8 year old child. After a child outgrows their child safety seat (about age 4 and 40 lbs), a belt-positioning booster seat should be used to raise the child up so that the seat belt, which is designed for an adult body, fits the child's body. Since children in booster seats use the adult seat belt, no installation of the seat is required. A belt-positioning booster seat not only makes a child safer, but also makes the safety belt fit better and feel better to the child. Age, height and weight together are good indications that children will be appropriately protected in a booster seat. Non-use of appropriate restraints costs us all - through higher automobile insurance premiums and increased Medicaid costs.

We know that strong and reasonable child passenger safety laws, such as HB 2611, have been proven effective at increasing restraint use. In Indiana, only 9% of 4 through 7 years olds used booster seats in 2003. But four months after a law requiring those children to use booster seats passed in 2005, the usage rate had jumped to 72 %. It's not just common sense - the state's child seat law is the most frequently used reference for safe child transportation used by Kansas parents. Just as we require children to wear life jackets when they are traveling in a boat, required use of an appropriate child restraint protects children in Kansas from injury and death.

Fortunately, booster seats that meet federal safety standards and fit children from 40 to 80 lbs. are readily available for less than \$15.00. In fact, all currently manufactured combination child safety seats like the one on display will convert to a belt-positioning booster seat, so in many cases, a new seat is not even needed. Booster seats are also available in Kansas through a variety of community programs in virtually every county. (see map). In the last 6 years, Safe Kids Kansas has distributed over 16,000 child seats, booster seats and special needs seats to low-income Kansans through our Buckle Up program.

The exemption for seating positions when there is only a lap belt available recognizes the fact that current technology provides fewer products for children needing a booster seat, but whose vehicle has only a lap belt available.

We recognize that education for parents and caregivers will be necessary following passage of HB 2611. The one year "warning" period for the new requirements for children ages 4-8 will provide public agencies time to educate parents about the importance of booster seats and allow parents time to obtain appropriate seats.

HB 2611 also increases the fine for violation of the Child Passenger Safety Law from \$20 to \$60. This change brings the fine in line with other standard traffic violation fines, such as a stop sign violation. However, the bill contains a provision that waives the fine if a driver provides proof to the court of a child seat acquisition. This waiver is consistent with our goal of protecting children rather than punishing parents.

Some detractors have stated that you can't legislate good parenting and you can't legislate to get rid of stupidity or that anyone with a 4-7 year old child who drives without booster seats is not using good sense. Our Kansas parents are not stupid, they want to keep their children safe- but by following the current law, they will place their 4,5,6 and 7 year old children at great risk for death or serious injury.

The member organizations of Safe Kids Kansas and our 36 local Coalitions and chapters urge you to pass HB 2611 so that the law will provide parents in our state with the correct guidance on how to protect their children. The end result will be fewer Kansas children injured and killed in motor vehicle crashes.

Testimony Presented by:
Cindy Samuelson, Safe Kids Kansas

Attachments:

Safe Kids Kansas Member Organizations

Map of Child Passenger Safety Resources by County in Kansas

Booster Seat Brochure

Indiana Booster Seat Use

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.

1000 SW Jackson, Suite 230 Topeka, KS 66612
www.safekids.org

tel 785-296-1223
www.kansassafekids.org

fax 785-296-8645



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
 HCC Fire Service Training Program
 Kansas Academy of Family Practice Physicians
 Kansas Action for Children
 Kansas Association of Counties
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 Kansas Assoc. of Osteopathic Medicine
 Kansas Association of School Boards
 Kansas Chapter International Assoc.
 of Arson Investigators
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 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
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 Wesley Medical Center

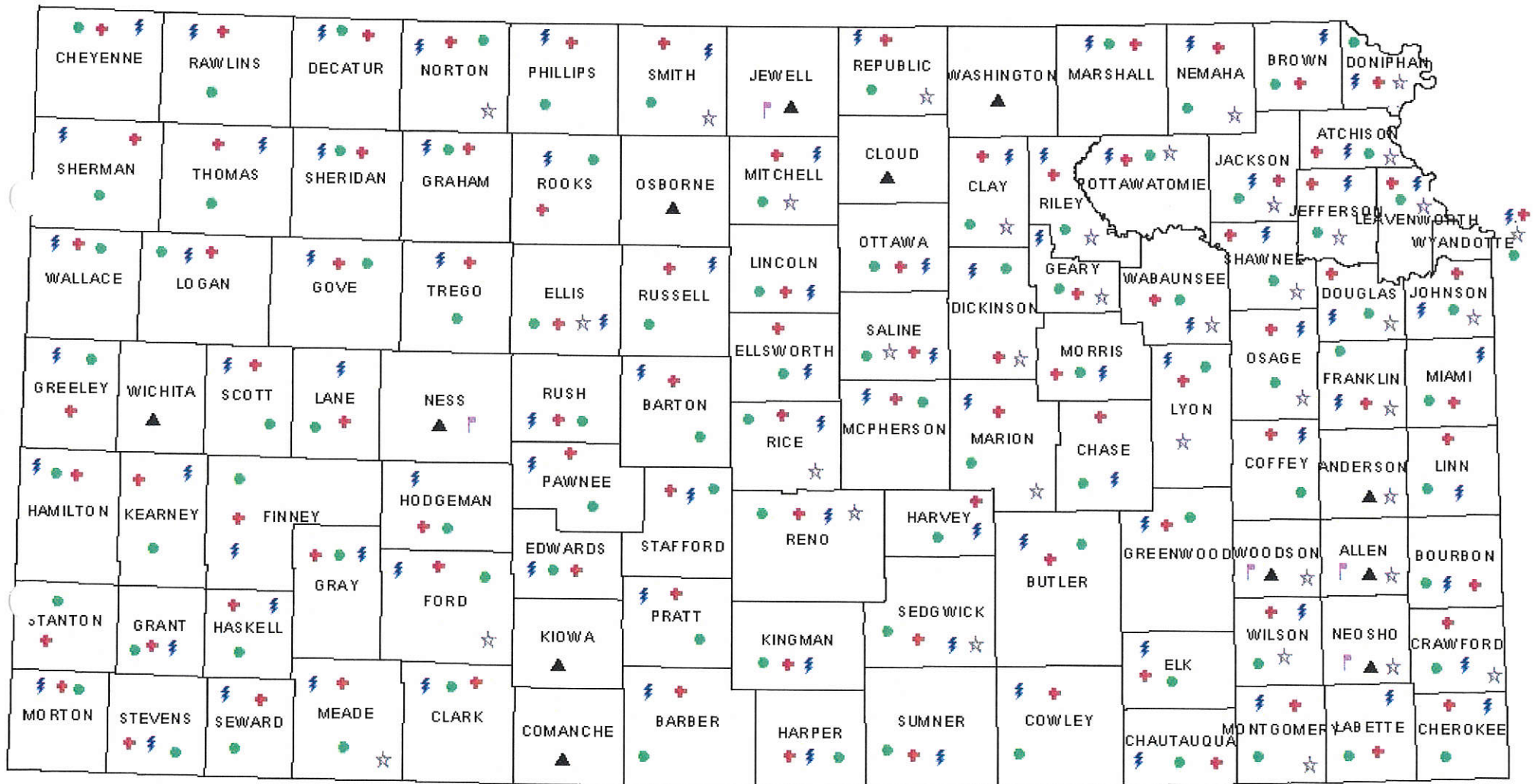
*Membership also includes Local Coalitions and Chapters located in Allen, Anderson, Atchison, Clay, Dickinson, Doniphan, Douglas, Ellis, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, Meade, Mitchell, Montgomery, Nemaha, Osage, Pottawatomie, Republic, Rice, Riley, Saline, Shawnee, 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

CHILD PASSENGER SAFETY RESOURCES KANSAS, JANUARY 2006

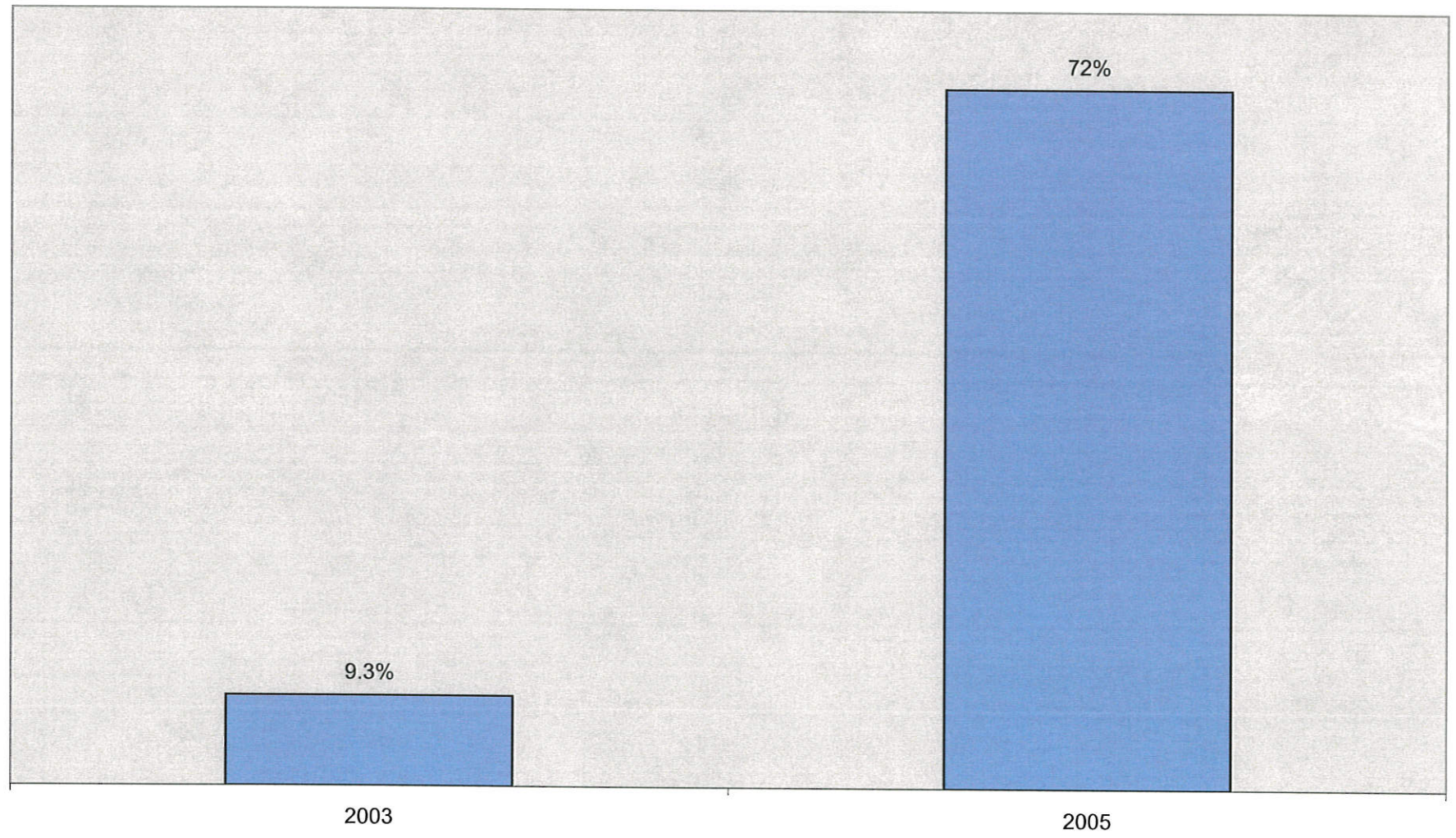
12-5



- ✚ Inspection Stations
- ⚡ Loaner/Distribution Programs
- CPS Technicians Present
- ▲ KS Highway Patrol Inspection Stations – no other CPS resources
 - ◡ Waiting List for CPS Training
 - ☆ Safe Kids Local Chapters/Coalitions

Indiana Booster Usage -- Ages 4 - 8

Source: Kohl's Center for Safe Transportation of Children, Riley Hospital for Children



ALL CHILDREN 12 AND UNDER SHOULD RIDE PROPERLY RESTRAINED IN A BACK SEAT.

st Kids
es 4-8
Riding
Risk.



ld Yours
e of Them?

Kids should be in booster seats if:

- they weigh more than about 40 pounds
- the adult seat belts don't fit correctly

Booster seats must be used with lap and shoulder belts. Booster seats raise the child up and help the safety belts fit correctly.

Snug across the chest and collarbone, not across the neck and face.



Allowing the knees to bend naturally, sitting all the way back and not slouching.

Snug over the strong hips or upper thighs, not riding up on the abdomen.

Without booster seats, kids can be uncomfortable and unprotected in an improperly fitting safety belt.

Never let kids put shoulder belts under their arms or behind their backs. Kids who misuse belts this way are not properly protected in a crash.

There are two types of car booster seats.

1

High back booster seats.

If your car's seat back ends up lower than your child's ears, use this high back booster seat to help protect your child's neck and head.



2

Backless booster seat.

If your car's seat back is higher than your child's ears, you can use a backless booster seat.

If your child weighs more than 40 pounds and you only have lap belts in your back seat, you may:

- Obtain a child safety seat that is specifically designed for kids over 40 pounds, when installed with only a lap belt;
- Contact your auto manufacturer about whether shoulder belts can be installed in your back seat; or
- Correctly restrain your child in the front seat, using a booster seat and the lap and shoulder belts. Move the vehicle seat as far back as possible.

Children may be ready for the adult safety belt when they are around 8 years old.

The safety belt fits a child correctly when:

The child can sit all the way back against the vehicle seat, with his/her knees bent over the edge.



The shoulder belt remains snugly positioned across the chest and collarbone.

The lap belt remains snugly positioned over the strong hips or upper thighs.

Remember to read and follow your vehicle owner's manual and booster seat instructions carefully. For more information, visit www.safekids.org or call 1-800-441-1888 to find the nearest Safe Kids coalition.

Safe Kids Worldwide
1301 Pennsylvania Avenue, NW
Suite 1000
Washington, DC 20004-1707
www.safekids.org

Car Booster Seats Can Protect Kids From Severe Head,



ish
ool

TODOS LOS NIÑOS DE 12 AÑOS Y MENORES DEBEN IR CORRECTAMENTE AJUSTADOS EN UN ASIENTO TRASERO DEL VEHÍCULO.

12-8

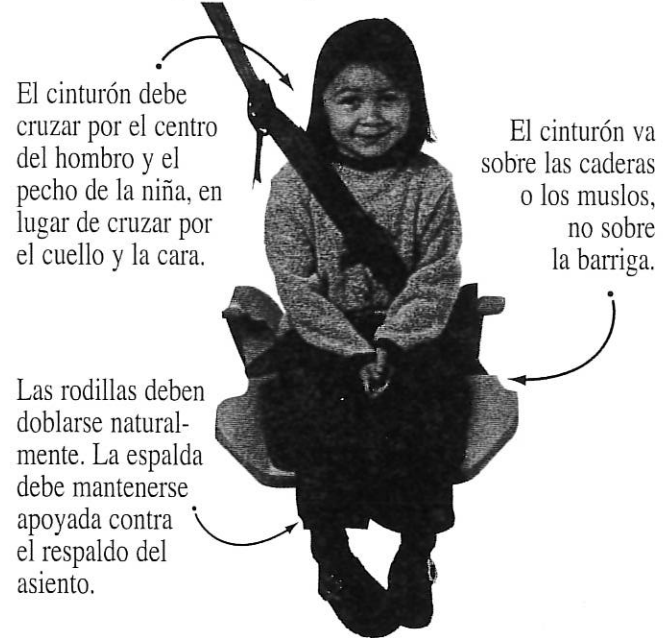
avoría de
ños entre
os que Viaja
n Vehículo
en Peligro.

ser el suyo
de ellos?

Los niños deben estar en un booster:

- si pesan más de 40 libras
- si los cinturones del auto no les quedan bien

El booster se usa solamente con un cinturón de seguridad que cruce del por el centro del hombro hacia la cadera y sobre los muslos. El booster levanta al niño para que el cinturón de seguridad se ajuste correctamente.



El niño que no viaja en un booster va a sentirse incómodo con el cinturón de seguridad que está diseñado para adultos y además estará desprotegido, debido a que el cinturón de seguridad no estará correctamente ajustado.

Nunca permita que los niños se pasen el cinturón debajo del brazo o detrás de la espalda porque no estarán correctamente protegidos en caso de un choque.

Elija entre dos tipos de asientos booster . . .

1

Booster con respaldo alto.
Si el respaldo del asiento no llega al nivel de las orejas de su niña, use este tipo de booster.



2

Booster sin respaldo.
Si el asiento de su auto es más alto que el nivel de las orejas de su niña, usted puede usar este tipo de booster.

Si su niño pesa más de 40 libras y usted solamente tiene cinturones de cadera en su asiento trasero:

- Obtenga un asiento de seguridad para niños, con correas internas, que esté diseñado para niños que pesan más de 40 libras.
- Comuníquese con la empresa fabricante de su vehículo para averiguar si le pueden instalar cinturones de seguridad actualizados.
- Otra opción es que el niño viaje en el asiento de adelante en un booster, siempre que se mantenga correctamente amarrado. El asiento debe correrse hacia atrás, lo más lejos posible del tablero y la bolsa de aire.

Los niños podrían estar listos para usar el cinturón de seguridad de adultos, sin booster, cuando tienen alrededor de ocho años.

Los niños están correctamente amarrados en un cinturón de adulto cuando:



Recuerde leer y seguir las instrucciones del manual sobre seguridad de su vehículo y las instrucciones sobre el booster cuidadosamente. Para más información visite www.safekids.org o llame al 1-800-441-1888 para encontrar la coalición de Safe Kids más cercana.

Safe Kids Worldwide
1301 Pennsylvania Avenue, NW
Suite 1000
Washington, DC 20004-1707
www.safekids.org

Los boosters pueden proteger a los niños en un choque de severas lesiones de cabeza,



February 21, 2006



Making a difference for Kansas children.

To: Senate Transportation Committee
From: Cindy D'Ercole
Re: House Bill 2611 – Booster Seats

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 HB 2611.

Motor vehicle crashes are the single largest killer of children age 4 to 8 in Kansas. Fortunately this is a case where a clear problem has a very clear solution. These changes to the child passenger safety law will save the lives of Kansas children:

- < Require use of appropriate child restraints for children until they are age 8, or 4'9", or 80 lbs.
- < Increase the fine from \$20 to \$60, which would bring it in line with other standard traffic fines such as stop sign violations.

Booster Seats Work:

The research makes it absolutely clear that children ages 4 to 8 are the safest in a booster seat. The data illustrates that booster seats are effective at preventing death and severe injuries. Seat belts are made for adults, and put a child at risk of serious injury in several ways. In fact, booster seats reduce a child's risk of injury by 59% compared to using only a seat belt.

Booster seat laws work:

Research indicates that the lack of booster seat provisions in state child restraint laws contributes to the doubts that many parents have about the need to use booster seats. The result is that even the most safety conscious parent might not be truly informed about booster seats, and Kansas children between the ages of 4 to 8 are still unnecessarily injured in car accidents.

A good example of the effect of booster seat laws is the dramatic rise in booster seat use in Indiana. Just four months after the Indiana Child Passenger Law went into effect, the number of children ages 4 to 8 using booster seats went from 9% to 72%.

To date, 32 states and the District of Columbia have some form of booster seat law. I sincerely hope that Kansas will also take the opportunity to ensure that our children are as safe as possible on Kansas roadways by passing HB 2611.

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Senate Transportation Committee
February 21, 2006
Attachment 13

Booster Seats: *Protecting Kansas Children*

The Importance of Booster Seat Laws

Many parents look to the law for what is safe behavior for their children.

Current Kansas law is misleading: A 5 year-old is required to wear a seat belt, but standard medical practice dictates that adult seat belts do not protect children properly.

Research indicates that the lack of booster seat provisions in state child restraint laws contribute to the doubts that many parents have about the need to use booster seats.

QUICK FACTS

The number of Indiana children in booster seats rose dramatically after the state's booster-seat law went into effect.

Just four months after the Indiana Child Passenger Law went into effect, the number of children ages 4-8 using booster seats went from 9% to 72%.

To date, 32 states and the District of Columbia have some form of booster seat law.

Booster Seats Save Lives

Motor vehicle crashes are the single largest killer of children age 4-8 years. Extensive data indicates that these children are safest in a booster seat which reduces a child's risk of injury by 59% compared to using only a seat belt. Kansas needs to upgrade its child passenger safety law to require children between the ages of 4-8 to use booster seats.

Background

Seat belts are made for adults. Children over 40 pounds and under 4'9" tall are too small to fit into adult seat belts. Poorly fitting seat belts put a child at risk of serious injury in several ways. Booster seats work by raising a child up so that the lap and shoulder belt are positioned safely. Booster seats are a simple solution that save lives and prevent injuries.

Current Kansas law does NOT require children to be protected in booster seats. The result is that even though most parents understand the need for using a car seat with their younger children, many Kansas children between the ages of 4-8 are still unnecessarily injured in car accidents.

Booster Seats Work

- Booster seats reduce the risk of injury by 59% compared to the use of only seat belts.
- Booster seats protect against head injury four times better than seatbelts. The brain is the organ least likely to recover from injury.
- 71% of car crash injuries to 4- to 8-year old are to the head and face.

Improving the Kansas Child Passenger Safety Law

Based on the guidelines of the National Highway Traffic Safety Administration, the proposed Kansas law would require the following children to use a booster seat:

Children ages 4, 5, 6 and 7 years who either

- 1) weigh less than 80 pounds **or**
- 2) are shorter than 4'9" in height.



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2611
To
Senate Transportation Committee**

**Presented by
Colonel William R. Seck
Superintendent, Kansas Highway Patrol**

February 21, 2006

Good morning, Mr. Chairman and members of the committee. My name is Colonel William Seck, and on behalf of the Kansas Highway Patrol, I appear before you today to support House Bill 2611.

The Kansas Highway Patrol is constantly asked about occupant protection laws for children because parents and caregivers want what is best for their child, and they expect the laws to carry the highest demand for safety. Troopers advise caregivers about current Kansas laws, but they also talk about best practices that go beyond what the law requires. Current law requires children under the age of four to be transported in an approved child passenger seat, and children ages four to 14 must be secured in a seat belt. Seat belts are proven to save lives, but they are not designed for children's small bodies. The shoulder harness and lap belt improperly lay across a child's abdomen and neck, which may cause serious or fatal injuries in the event of a crash. A booster seat lifts a child higher in the seat so the shoulder harness and lap belt fit safely and securely across the child's body.

Booster seats are a large component of the Patrol's educational programs that are hosted in conjunction with the Kansas Department of Transportation. In April 2004, KDOT and the Patrol rolled out seven Child Passenger Safety Trailers, which are equipped with educational materials and equipment to teach children and adults about the importance of booster seats and seat belts. Inside these trailers are vehicle bucket seats, which are equipped with various seat belt systems. The bucket seats, donated by the AAA Traffic Safety Fund and the Kansas Department of Transportation, allow Troopers certified as child passenger safety technicians to demonstrate how to properly install child safety seats and booster seats. The Patrol also maintains fitting stations in Olathe, Salina, Garden City, Chanute, Topeka, Hays and Wichita, where caregivers can have child safety seats inspected by a certified technician and learn proper installation techniques.

Education and enforcement go hand in hand. When I joined the Patrol in 2003, I made it a priority to improve seat belt compliance and the use of child passenger seats. Since 2003, child restraint warnings issued by the Patrol have dropped by 50 percent, and child restraint citations have

increased 53 percent. Also in the last two years, there has been a 36 percent increase in passenger seat inspections and installations by the Patrol.

The Patrol is eager to enforce a booster seat law in Kansas because we believe this is one more step forward in protecting children and saving lives. Troopers have seen the unnecessary injuries and deaths associated with an adult's failure to properly secure children and themselves. In the last three years, there has been an increase in seat belt use and a significant decrease in fatal crashes statewide. Current seat belt and child safety seat laws certainly have contributed to the reduction in fatalities, but we can do more. Kansans look to occupant protection laws for guidance – to do what is best for their child – and it is important that state statutes help them do that.

The Kansas Highway Patrol strongly urges this committee to give House Bill 2611 favorable support. The Patrol appreciates the opportunity to address you today, and I or one of my staff will be happy to answer any questions you may have.

###

TESTIMONY
James R. Hanni,
AAA Executive Vice President, Kansas Region & Public Affairs
February 21, 2006

On behalf of AAA and our over 230,000 members in the state of Kansas, I would like to express our support of the proposed enhancements for Child Passenger Safety in HB2611.

According to the Child Death Review Board, motor vehicle crashes are the leading cause of death for Kansas children ages 1 through 17.

In the United States, to put these numbers in perspective, an average of six children 0-14 years old were killed and 673 were injured every day in motor vehicle crashes during 2004.

In addition, a national study, 2003, found that the use of belt-positioning booster seats lowers the risk of injury to children ages 4-7 in crashes by 59%, compared to the use of vehicle seat belts alone.

Seat belts and proper child restraints are THE most effective and immediate way to save the lives of children on Kansas roadways.

In February, 2005, NHTSA conducted a National Occupant Protection Use Survey of accidents at controlled intersections. Interestingly, child restraint use for infants was 98%, toddlers 93%, but booster age children only had 73% restraint use.

I think what is most profound for you to consider with this bill, are the results of a Kansas observational survey conducted this past year by KDOT, in which 81% of children, ages 0-4 were observed in child passenger restraints. However, in the 5-9 age group, only 49% were observed appropriately restrained. The percentage continues to drop for the 10-14 age group (47%) because the 5-9 age group have already formed restraint-free habits.

What do Kansas AAA members think? In a November, 2005 AAA membership poll conducted through our magazine, *Journeys*, nearly 70% (69%) of Kansas respondents (454 of them) answered the question, "do you favor or oppose a state law requiring children ages 4 through 7 to be transported in an approved booster seat?" 91% also said they would favor a state law requiring children through age 17 to wear seat belts at all times.

Thirty-three other states and the District of Columbia have booster seat laws. Kansas could also receive federal incentive grant money if you pass a qualifying booster seat law. The money would be provided by NHTSA for Kansas' 402 funds. In 2003, Kansas received \$2,332,704 for its 402 funds, which means Kansas could receive \$583,176 for a new booster seat law. The money could be used for child passenger safety seat training, education, enforcement, etc. and not more than half of it can be used to purchase seats for low-income population. The final guidelines have not yet been determined by NHTSA. Yet clearly, a significant infusion of funding to support a new law would be provided by the federal government and a significant amount of that could help our most needy citizens.

Since its formation in 1902, AAA has been an advocate for the motorist, as well as for traffic safety.

We support HB 2611 as a step forward towards making Kansas roads & highways a safer place to be for our children, and urge you to favorably recommend HB 2611 to the Senate. Thank you for the opportunity to comment.

KANSAS

DEPARTMENT OF TRANSPORTATION
DEB MILLER, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY BEFORE SENATE TRANSPORTATION COMMITTEE

REGARDING HOUSE BILL 2611 CHILD PASSENGER SAFETY ACT

February 21, 2006

Mr. Chairman and Committee Members:

The Kansas Department of Transportation (KDOT) is providing written testimony on House Bill 2611; enhanced passenger safety for children.

Statistics prove beyond a shadow of a doubt that buckling up is the single most effective act we can take to reduce the risk of death and serious injury in a vehicular accident. We believe that the most effective means to reach our objective of increased child passenger safety is a stronger law, thus KDOT supports House Bill 2611 with the following recommended revision: remove the non-resident exemption which would place Kansas in compliance with federal criteria after July 1, 2007.

KDOT conducts an annual survey to observe the use of seat belts and safety seats in the state. The survey conducted in the spring of 2005 indicated that 59 percent of Kansas children were properly restrained. For children age 0 to 4 nearly 81 percent were in appropriate safety restraints; 49 percent of children age 5 to 9; and 47 percent between the ages of 10 to 14. From the years 2000 to 2004, there were 26 children age four to eight who were killed in car crashes, and only seven of which were restrained.

Recently passed federal legislation contains a provision for states to receive additional safety incentive funds (from \$60,000 to \$200,000 per year) for passing, and enforcing a booster seat law. The National Highway Traffic Safety Administration (NHTSA) has stated that the warning citation provision in HB 2611 would render Kansas out of compliance with federal law. KDOT is supportive of a year for warning citations to allow for education and training.

We encourage the removal of the non-resident exemption to allow Kansas to be eligible for additional federal safety incentive funds after July 1, 2007.

Senate Transportation Committee
February 21, 2006
Attachment 16



K A N S A S

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on HB2611

To

Committee on Transportation

By Howard Rodenberg, MD, MPH
Director, Division of Health

Kansas Department of Health and Environment

Chairman Donovan and members of the Committee on Transportation, my name is Howard Rodenberg and I am the director of the Division of Health at the Kansas Department of Health and Environment. Thank you for the opportunity to appear before you today regarding House Bill 2611, which proposes to strengthen the child passenger safety laws in Kansas.

Unintentional injuries kill more young Kansans than any other cause, and motor vehicle crashes result in nearly half of these deaths. Motor vehicle crashes are the leading cause of death among children (CDC 2004), and nearly 5,000 Kansas children were involved in crashes last year. Safety belt use alone in children does not provide enough protection. Booster seats have been shown to decrease injuries for children ages 4 to 8 when compared with seat belt use alone. Children who use booster seats are 59 percent less likely to be injured in a crash than children who were restrained only by a safety belt, and of the children who died in motor vehicle crashes in the United States in 2000, 46% were unrestrained and 36% were restrained in a car seat belt, without a booster seat (NHTSA 2001). The issue of child passenger safety is designated a public health priority in the United States Centers for Disease Control's *Healthy People 2010* Report.

We know that Kansas has a poor record of seat belt use in adults, and the same is regrettably true in children. Information from KDOT shows that only half of our children are properly restrained within our vehicles. We also know that state laws that require use of safety restraints have a dramatic impact on compliance. For example, a state law in Indiana with essentially the same provisions as HB2611 increased compliance nearly seven-fold within 4 months of going into affect. In real terms, that means that if our rate of use only increases by 50%, a further 45,000 Kansas children are protected from serious injury and death.

There is no question that cost is a dominant issue in health and health care policy. In this context, this legislation will result in reduced costs for insurance programs such as the Medicaid Brain Injury Waiver Program that serves citizens with a traumatic brain injury, and for acute health care such as hospitalizations.



KANSAS

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

It's been estimated that for every dollar spent on child safety seats, we save \$32.00 as a community. The lowest priced booster seat at Wal-Mart online is \$13.00. Again, if we only enhance use by 50% through passage of this bill, we can potentially save over 19 million dollars in health care costs each year.

I'd like to share one anecdote with you that illustrates the power of such legislation for change. When I had a child eight years ago, I became fanatical about making sure he was properly restrained in his carseat. Now, on those rare occasions when I forget to fasten my belt, he is the one who reminds me to do so. Passage of this bill will not only protect children. As children learn that this is the right thing to do, they remind adults, and Kansans of all ages the benefit.

I thank you for the opportunity to provide this information to the committee and will be happy to answer any questions you might have.

Kansas State Child Death Review Board's testimony in support of HB2611

February 21, 2006
Sarah Johnston, MD

The SCDRB was created by the 1992 Kansas Legislature. We are a ten member multidisciplinary Board who examines the circumstances surrounding the deaths of Kansas children from birth through age 17. Our purpose is to develop strategies to reduce the number of preventable deaths. We have reviewed the deaths of 4,968 children occurring over 10 years (1994-2003.) On average 500 Kansas children die each year. 286 die from natural causes, 116 from unintentional injuries of which 74 are motor vehicle crash deaths, 40 from SIDS, 26 homicides, and 18 suicides. Over the 10 years, 747 children have died in motor vehicle crashes, of which 611 involved cars and trucks. After careful review the Board concluded that 98% of these fatalities were potentially preventable.

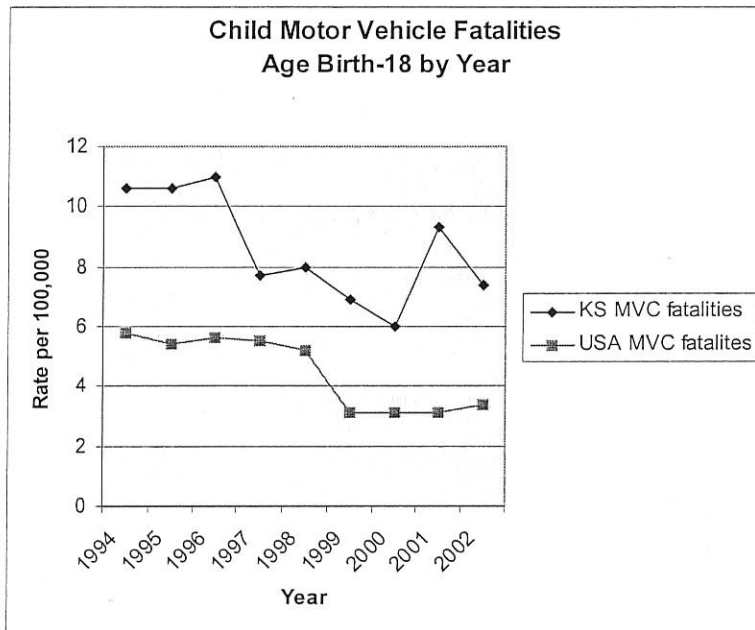


Figure 1 shows that Kansas has a higher mortality rate than the USA for motor vehicle crash deaths for the age group birth to 18 years.

Source: CDC National Center for Injury Prevention and Control

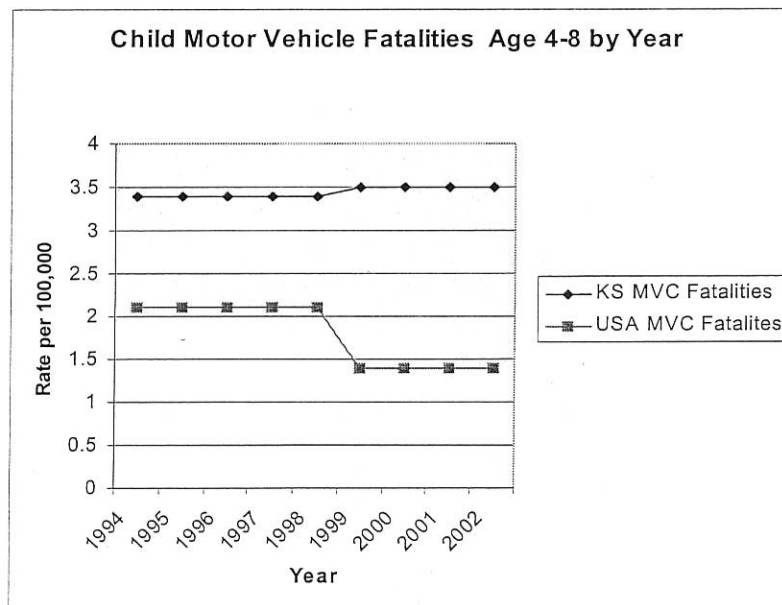


Figure 2 shows we also have a higher mortality rate for the four to eight year olds.

Source: CDC National Center for Injury Prevention and Control

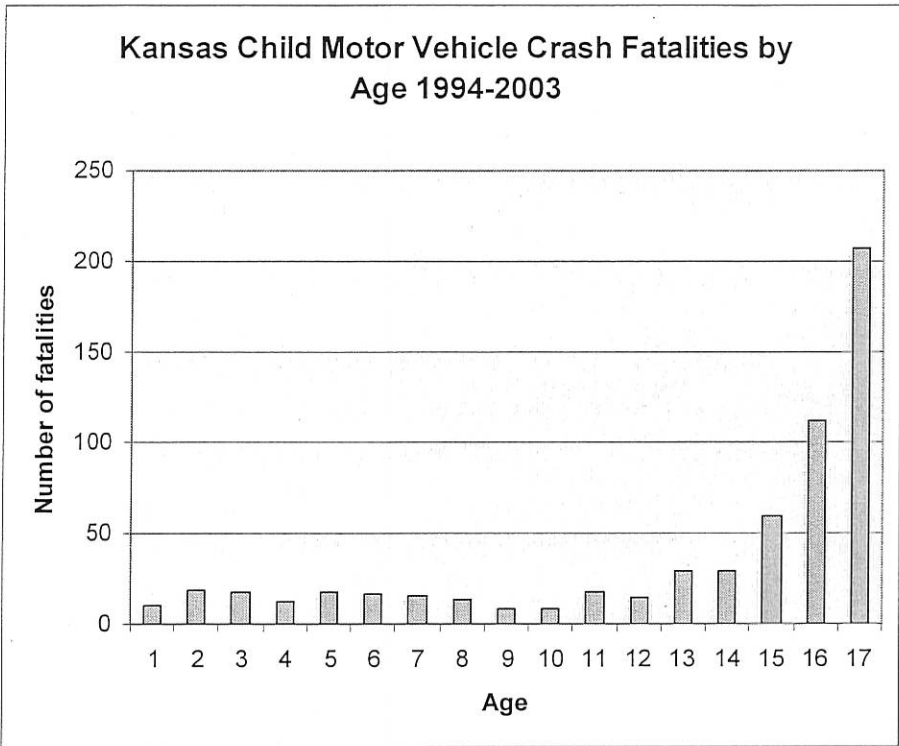


Figure 3 shows the number of fatalities for each age.

Source: Kansas SCDRB database.

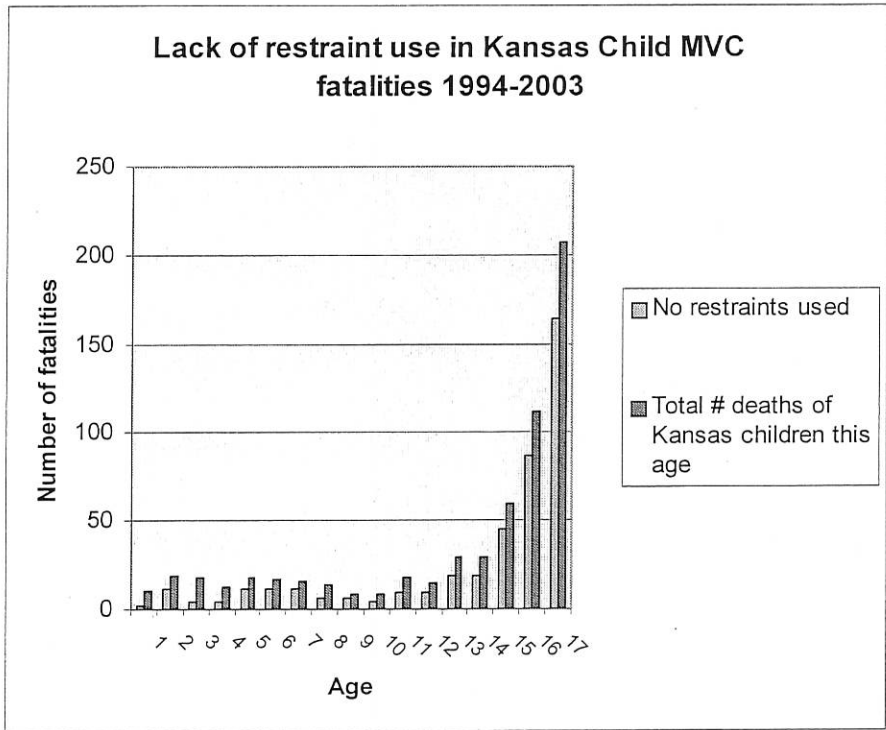


Figure 4 shows the number of fatalities in which proper safety restraints were NOT used for the children ages birth to 18 years.

Source: Kansas SCDRB database.

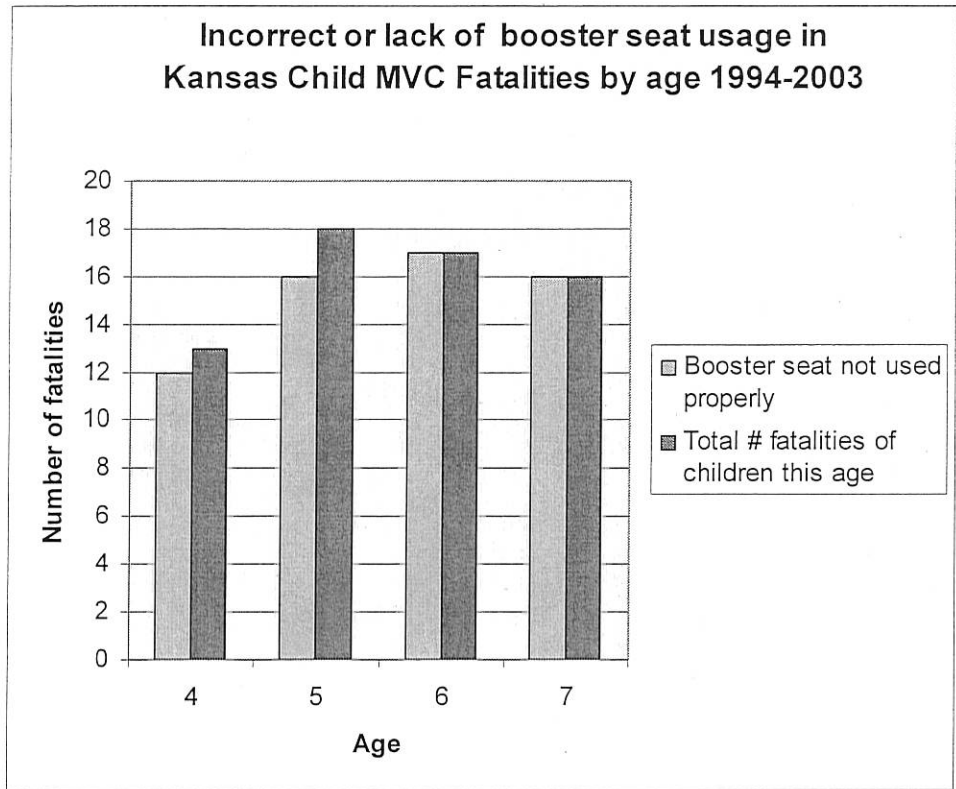
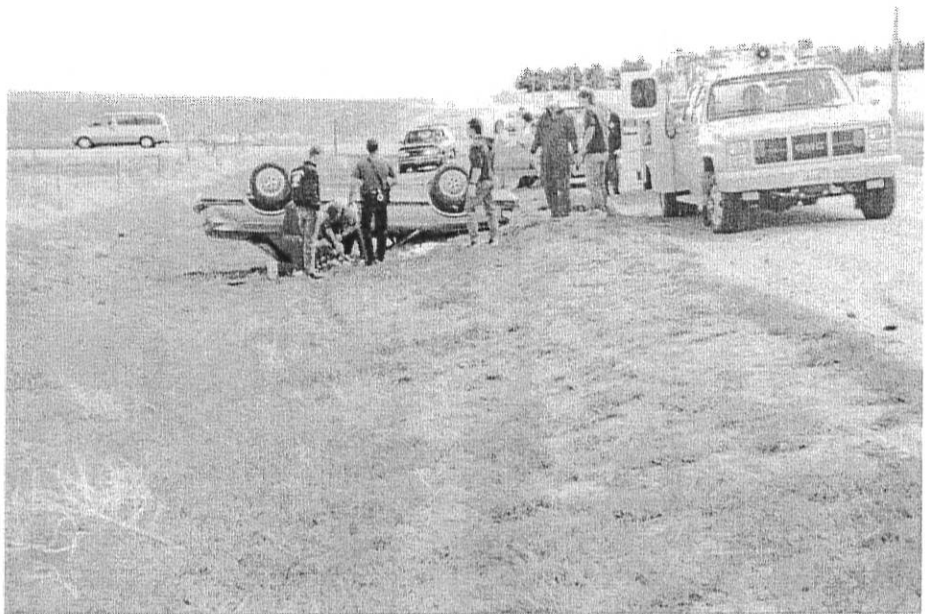


Figure 5 shows the number of fatalities in which booster seats were NOT used for children 4-8 years of age.

Source: Kansas SCDRB database.

Booster seats save the lives of four to eight year old children. According to a study reported in a 2004 Annals of Emergency Medicine, children in this age group involved in MVC in which booster seats were properly used were 59% less likely to be injured than those in seat belts. No child in a booster seat died.

Our Board strongly supports passage of HB 2611.





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ELLEN CARSON, PH.D., A.R.N.P., B.C.
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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
February 21, 2006

H.B. 2611—Booster Seats

Written Testimony

The KANSAS STATE NURSES ASSOCIATION (KSNA), the KANSAS STATE COUNCIL OF THE EMERGENCY NURSES ASSOCIATION (ENA), and the KANSAS PUBLIC HEALTH ASSOCIATION (KPHA) strongly support House Bill 2611.

Registered nurses know first hand the tragedy preventable traumatic injury can bring. This is even more tragic when it involves innocent children. Improving the Child Passenger Restraint laws, beginning with Booster Seat legislation, will help prevent some of these tragedies.

Recently the American College of Emergency Physicians released an evaluation of Emergency Care for all states. Kansas, like many other states, received an overall grade of C-. Two areas that were especially deficient (grades D and F) were in the areas of Quality of Care and Patient Safety, and Public Health and Injury Prevention. Seat belts and Child Restraint laws were noted to be lacking.

Registered nurses see serious injuries caused by the lack of restraint use or by improper restraint use. This legislation is designed to prevent children from suffering needlessly. The number of deaths is not large, however, each is significant and the number of injuries is even larger. This takes an emotional toll on families and friends, and can be a financial burden to society.

KSNA, ENA, and KPHA remain committed to improving the health of Kansans through not only health care, but also injury prevention. House Bill 2611 fits that mission.

Thank you for your support of the Booster Seat Legislation.



Kansas Chapter

Kansas Chapter

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TESTIMONY FOR HOUSE BILL 2611 Senate Transportation Committee

Chairman Donovan and Members of the Committee:

Good Morning. My name is Dr. Dennis Cooley. I am a pediatrician in private practice in Topeka and am here today on behalf of the Kansas Chapter of the American Academy of Pediatrics (KAAP). The KAAP is an organization representing over 95% of the practicing pediatricians in the state. I am testifying in support of House Bill 2611.

Motor vehicle accidents are the number one cause of deaths in the state for children between the ages of one and seventeen. Most of the children killed are not in proper restraints. You are well aware of these facts. What I want to discuss with the committee is the importance of proper restraints and why updating the current law is important.

Seat belts are made to fit adults. Intuitively it has seemed to pediatricians that improperly fitting safety devices can themselves result in injuries. From personal experience we have all seen children who have suffered from "Seat Belt Syndrome" and it seems logical that the reason for this is that children because of their size and anatomical differences would be more prone to these types of injuries. These injuries are serious and involve head, neck and spinal fractures along with damage to the internal organs. It has only been in the last few years that we have had good data that confirmed this. In June of 2003 a study was published in the Journal of the American Medical Association (4) concerning this issue. This study, from Children's Hospital in Philadelphia, showed the odds of injury were 59% lower for children aged 4 to 7 years of age who were in belt-positioning boosters rather than in seat belts. Another study from the journal Pediatrics (5) used data from State Farm Insurance Companies and showed that young children who were placed in seat belts "were more likely to suffer a significant injury", particularly to the head, when compared to children in proper restraint systems. As a result of such information the American Academy of Pediatrics has recommended that children less than fifty-seven inches be restrained in booster seats. Indeed I know of no medical organization that suggests that children smaller than this be placed in seat belts alone.

Are children being restrained in the proper safety devices? A study in the journal Pediatrics (3) from April 2003 indicated few children for whom a booster seat was recommended were properly restrained. Recent data from our state indicates that approximately 50% of children in the booster seat age are not in proper restraints.

Why do we need to change the law? There is evidence that having appropriate legislation increases the use of child protective devices. Data from Washington State (6) indicates that the passage of booster seat legislation resulted in the increase usage of these devices by up to 32%. Why is this? The biggest reason may be the public perception that state laws follow the standard recommendations for child passenger safety devices. From my personal experience the public uses these laws as guides. Frequently when I advise parents at my office about the importance of booster seat usage I am told by the parent that according to the law only children younger than four years need to be in child passenger safety devices. When I try to explain to them that the law doesn't adequately indicate the needs for older children; I can see the look of skepticism in their faces. Why would the state of Kansas say it is ok for children older than four to be restrained only with seat belts if it wasn't true? In essence the law as currently written overrules standard medical advice.

In summary the Kansas Chapter of the American Academy of Pediatrics strongly encourages passage of House Bill 2611. We are not asking to make a new law what we are asking is for the legislature to update a law that has become outdated as our medical knowledge has advanced. This bill will save the lives of children, our most precious resource.

Thank you.

References

1. JAMA. 2003; 289:879-884
2. Pediatrics. 2000; 106:e20
3. Pediatrics. 2003; 111:e323-7
4. JAMA. 2003; 289(21) : 2835-40
5. Pediatrics. 2000; 105 : 1179-1183
6. AAP Grand Rounds. 2003; 9 : 52-3



February 21, 2006

To the Kansas Senate Transportation Committee:

The members of Safe Kids Metro KC strongly support booster seat HB 2611 which will assure safer passage in vehicles for Kansas children. The huge bi-partisan support this bill received in the House confirms its importance to all Kansans.

A study done by The Children's Hospital of Philadelphia shows that booster seat use results in a 59% reduction in injuries to children. This is a statistic that is hard to ignore.

As is this related NHTSA report that shows that seat belt use Kansas is only 69% -- an increase of only 2% in the last eight years. Nationally, seat belt use is 82%. How can Kansas get there?

Safe Kids Metro KC recognizes that **just having children age four to eight fasten themselves into a booster seat sets a pattern of behavior that can carry through life.**

You can help set that pattern in motion by making this bill law.

Sincerely,

Deb Bumgardner

Coordinator

Safe Kids Metro KC

Serving Wyandotte, Clay, Platte and Jackson counties.

Safe Kids Worldwide and the
Maternal and Child Health Coalition of Greater Kansas City
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are proud leaders of Safe Kids Metro KC

Senate Transportation Committee
February 21, 2006
Attachment 21

**Kansas Senate
 Transportation Committee Hearing HB2611
 February 21, 2006
 Written Testimony of
 Phyllis Larimore BSN, Car Seat Program Coordinator
 Children's Mercy Hospitals & Clinics**

Good morning. I am Phyllis Larimore and my home address is 12060 Walnut, Olathe, KS. I am the Car Seat Program Coordinator of the Children's Mercy Hospitals and Clinics, a level one trauma center serving children through out the Kansas.

MOTOR VEHICLE CRASHES REMAIN THE LEADING CAUSE OF DEATH AND ACQUIRED DISABILITY FOR CHILDREN BETWEEN THE AGES OF 4 AND 8 YEARS. Unfortunately, children between the ages of four and eight years of age are not being restrained properly in motor vehicles. Experts agree and the evidence is conclusive that older children who have outgrown their child safety seats need to use belt positioning booster seats until the adult seat belt fits correctly.

CHILDREN BEAR THE PAIN AND COST OF POOR CHOICES. During this past year... nearly 1000 injured children were referred to Children's Mercy Hospitals for treatment of injuries sustained in a motor vehicle crash (MVC). Our goals are to restore the child's physical and emotional well being. Using the latest medical tools... we make every attempt to return the child to the family. Often... that is accomplished. However, too often.... these children... bear the cost of a parent or care-giver's "mistake".

EMS and law enforcement reports show that the drivers are not making sure that their child passengers are buckled up appropriately in the rear seat each and every time. Nearly all of the medical records note that the child was unrestrained or inadequately restrained... using a lap belt only or a lap-shoulder seat belt. All of the these children in the 5 to 9 age grouping were not 80# nor 4'9" and were not being transported in a belt positioning booster. Several of the children were in a crash which a roll-over type. Ejection of the occupant in a crash is a cardinal warning that injuries are likely to be severe and perhaps fatal.

Hospital records show that Kansas children are at greater risk of injury in the event of a crash. Observational studies contacted by the Kansas Safety Belt Education Office predicts that many more children will be victims if the law is not upgraded and parents fail to secure their children appropriately. The figures below demonstrate that lack of appropriate child restraint is a public health issue and affects all of the citizens of Kansas. (See chart below)

Motor Vehicle, Occupant, Unintentional					
All CMH MVC Admissions	<1yr	1-4yr	5-9 yr	Total Visits	Total Charges
ED	37	167	239	820	\$ 1,689,553
IP	5	28	40	141	\$ 2,716,188
Total	42	195	279	961	\$ 4,405,741
Motor Vehicle, Occupant, Unintentional					
KS Children	<1yr	1-4yr	5-9 yr	Total Visits	Total Charges
ED	5	20	59	84	\$ 53,884
IP		5	14	28	\$ 529,729
Total	5	25	71	101	\$ 583,613

In conclusion, Children's Mercy Hospitals & Clinics along with other Safety advocates recommend that the Kansas legislature pass HB2611 which will upgrade the CPS law to a minimum of:

- Requiring child passengers' ages 4 to 7, less than 80# and less than 4'9" use booster seats.
- Add language that requires not only use, but proper use according to child safety seat manufacturer's instructions.
- Increase its fine for violations of the child occupant protection law to \$60 to more effectively deter non-compliance.