

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 P.M. on February 14, 2007 in Room 519-S of the Capitol.

All members were present except:

Representative Pat George- excused
Representative Jerry Henry- excused

Committee staff present:

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

Conferees appearing before the committee:

Darlene Whitlock, Co-Chair of the Driving Force
Dr. Paul Harrison, Chair, Advisory Committee on Trauma
Col. William Seck, Superintendent, KS Highway Patrol
Secretary Roderick Bremby, Dept. of Health & Environment
Stephanie Wilson, high-school student, Meriden, KS
Deborah Weeks, Oskaloosa, KS
Robert Waller, Chief Administrator, KS Board of Emergency Medical Services
Chris Maurich, representing ABATE of Kansas
Kelly Wendeln, Chanute, KS
Lana Walsh, Judicial Administration

Others attending:

See attached list.

Chairman Hayzlett opened the Committee meeting with a hearing on **HB 2136**.

HB 2136 - Primary safety belt law, penalty.

The first proponent for this bill was Darlene Whitlock. (Attachment #1) According to Ms. Whitlock, traffic crashes are the number one killer of children, teenagers and adults under the age of 34 in Kansas. She said a primary seat belt law is the closest thing we have to a cure for the deaths and injuries happening on Kansas roadways and to effectively save lives and prevent injuries we must have real laws with real fines, apply real enforcement and then educate everyone on the laws. She concluded a primary seat belt law with a fine of \$60 is a step in that direction.

The next proponent for **HB 2136** was Dr. Paul Harrison. (Attachment #2) According to Dr. Harrison, motor vehicle trauma accounts for more admissions and longer stays in the hospital than any other cause of injury and that unbelted patients have more severe injuries. He said a study showed among severely injured patients, young adults have the lowest rate of belt use and the largest proportion of motor vehicle traumas. He concluded that use of seat belts is a proven way to reduce the number of fatalities and severity of injuries.

The third proponent was Colonel William R. Seck, Kansas Highway Patrol. (Attachment #3) According to Col. Seck, currently under Kansas law, law enforcement officers must cite a driver for another infraction before issuing a citation for failure to wear a seat belt. In some cases, drivers are issued a warning for the initial violation, such as speeding or an improper lane change. This then makes it impossible to issue a citation for a seatbelt violation. He said without a doubt he believes issuing citations for seat belt violations is one of the most effective ways to effect positive change. Col Seck concluded by saying they believe enforcement and education go hand-in-hand and that **HB 2136** includes funding mechanisms for traffic records management, emergency medical services, and trauma care.

The next proponent was Roderick Bremby, Secretary of Health and Environment. (Attachment #4) Secretary Bremby quoted former Transportation Secretary Norman Mineta as saying, "We are in the midst of a national epidemic. If this many people (45,000) were to die from any one disease in a single year, Americans would demand a vaccine. The irony is we already have the best vaccine available to reduce the death toll on our

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 14, 2007 in Room 519-S of the Capitol.

highways - safety belts.” He said passage of **HB 2136** would result in substantial progress toward meeting our Healthy Kansas 2010 goals to increase seat belt usage and to reduce death rates due to motor vehicle crashes. Primary safety belt laws have been shown to increase observed safety belt use by 12% to 22.6% over secondary laws. Implementing a primary safety belt law in Kansas can be expected to save between 140 and 158 deaths among motor vehicle occupants per year. Secretary Bremby said a primary safety belt law is also projected to result in economic savings of some \$440 to \$485 million annually.

Stephanie Wilson, Meriden, KS, was the next proponent to speak. (Attachment #5) According to Ms. Wilson, she was in a one-car accident on her way to school. She was taken to the hospital where a doctor told her if she had not been wearing her seatbelt she could have suffered serious head injuries. Ms. Wilson said this law would put into peoples’ minds that it is important and that seatbelts do save lives and with this law in place more adults would change their minds and buckle up and so would their kids. She said deaths on the roads would decrease and saved lives would increase.

The next proponent for **HB 2136** was Deborah Weeks, mother of three daughters, Oklahoosa, KS. (Attachment #6) Mrs. Weeks testified that her three daughters went off to school and only the daughter in the backseat fastened her seatbelt. A one-car accident on the way home took the lives of the two daughters in the front seat who were not wearing their seatbelts, the third daughter was spared because she did have her seatbelt fastened. The surviving daughter also spoke and urged the Committee to pass **HB 2136**.

The last proponent to speak on **HB 2136** was Robert Waller, Chief Administrator of the Board of Emergency Medical Services. (Attachment #7) Mr. Waller said according to the National Highway Traffic Safety Association, 24 states currently have a primary seat belt law. The report notes that seat belt use rates are higher where laws are stronger (a combined use rate of 85 percent in “primary” states as opposed to 74 percent in “secondary” states). Meaning a primary seat belt law “motivates” individuals to wear a seat belt. Mr. Waller also said the money derived from the bill (approximately \$1,036,000) would help attendants and services with training and equipment. He said access to updated equipment and the latest training keeps EMS on the cutting edge in providing rapid pre-hospital care.

There were no other proponents to speak. The Chairman drew the Committee’s attention to the 14 written testimonies that had been submitted in support of **HB 2136**.

Chairman Hayzlett called for opponents of **HB 2136**.

The first opponent was Chris Maurich, representing ABATE of Kansas, Inc. (Attachment #8) According to Mr. Maurich, they feel the current law is adequate. They feel that HB 2136 focuses on revenue, not safety. That the bill reads like a revolving account, as section 1 and 2 dictate the creation of “revolving” funds from the state treasury. He said the title states “concerning the use of safety belts”, but the important aspects are the creation of the “traffic records enhancement fund” and the “EMS revolving fund”. He said the fiscal note for HB 2136 shows a breakdown for expenditures, with hopeful estimates of potential violations. The current infractions average 31,000 yearly, with KDOT hopeful for 77,000 infractions for 2008 to fund their plans. Mr. Maurich concluded with saying making the failure to wear a seatbelt a primary offense will probably not do too much to change behavior, let alone accident results.

The second opponent to **HB 2136** was Kelly Wendeln. (Attachment #9) Mr. Wendeln urged the Committee to not pass this bill. He said wearing seatbelts is advisable, but a mandatory seatbelt law is not the right approach. People should be educated and influenced to use seatbelts.

There were no other opponents to speak on this bill.

Chairman Hayzlett introduced Lana Walsh, Office of Judicial Administration, (Attachment #10) who was listed as a neutral. Ms. Walsh said her office requests an amendment of this bill to make the disposition of fines paid for seatbelt violations consistent with fines paid for violations of other Kansas statutes, as provided by KSA 2007 Supp. 20-350. Ms. Walsh said this would also mean that clerks will not have to separately account for these funds because their distribution differs from that of other fines.

CONTINUATION SHEET

MINUTES OF THE House Transportation Committee at 1:30 P.M. on February 14, 2007 in Room 519-S of the Capitol.

There were no other conferees to come before the Committee. After all questions were answered the Chairman closed the hearing on **HB 2136**.

There being no further business to bring before the Committee, the Chairman adjourned the meeting. The next meeting will be on February 15, 2007, at 1:30 p.m., in Room 519-S.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-14-07

NAME	REPRESENTING
Tara Griffith	State Farm Ins
Bosanne Rutkowski	KDHE
Paul B Harrison MD	Advisory Committee on Trauma
Pam Finney	Self
Gina Nordyke	Emporia State University Newman Division of Nursing
Michelle Reese	KSNB
Kare WAD	OTA
Johnna Hene	KAAAC
Col. Willie Seck	KHP
Kateo Fuller	Emporia State University Newman Division of Nursing
Katie Kuhlmann	Emporia State University Newman Division of Nursing
Amy Critchfield	Emporia State University NDN
Heather Wedman	Emporia State University Newman Division of Nursing
Frica Cutler	Emporia St. University, Newman Division of Nursing
Tina Stifter	ESU-NDN
Juana Ruiz	ESU-NDN
Sarah Green	KHI News Service
Michael Briggs	KS Resident
CHRIS MANAICH	ABATE OF KANSAS

HOUSE TRANSPORTATION COMMITTEE

DATE 2-14-07

NAME	REPRESENTING
Stephanie Wilson	Jeff West High School
Darlene Whitlock	Driving Force Stonmont Vail Health Care
K's Hill	via Christi Trauma - Wichita
Debbie + Amber Weeks	Public
Lori Haskett	KDHE
Maggie Thompson	KDOT
Claudia Wilson	Jefferson West High School
Deb Miller	KDOT
Dennis Stimmer	KDOT
MATT MISEMER	OLATHE, KS
David Wilkerson	OLATHE KS
Cait Cait Purinton-Day	KHP
Marcus Balda	KDOT
Probyn Horton	KMCA
Chad G. Boyd	KDHE
Ed Kump	Ks Assoc. of Chiefs of Police
Ken Gulerkauf	KDOT
Jerad Pettus	KS BEG
Noraine Wingfield	KS Safety Belt Education Office
Will Deer	Federico Consulting

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2136
Primary Seat Belt Law**

Presented by Darlene Whitlock, co-chair, Driving Force

Wednesday, February 14, 2007

The *Driving Force* task force, a statewide citizen task force, was brought together by the Kansas Department of Transportation, the Kansas Highway Patrol, and the Kansas Department of Health and Environment. The task force had one goal: to reduce the number of fatalities and injuries on Kansas roadways. All of the task force's recommendations are targeted toward that goal and are based on data and proven research.

In 2006, 464 people were killed on Kansas roadways. Traffic crashes are the number one killer of children in Kansas. They are the number one killer of teenagers in Kansas. And, they are the number one killer of adults under the age of 34 in Kansas. When involved in a traffic crash, the use of a seat belt plays a critical role in preventing death and serious injury. In Kansas, from 2001-2005, 72 percent of people killed in traffic crashes were not wearing a seat belt. (See attachment 1)

While I am certainly concerned with all crashes in the state, our rural areas are experiencing a disproportionate number of Kansas' fatalities. Only 37% of all crashes in Kansas occur in rural areas, but those same crashes account for 75% of all crash fatalities statewide.

Kansas ranks a dismal 43rd in seat belt use in the United States. That poor ranking can be attributed to the state's lack of a primary seat belt law. States with primary seat belt laws typically have higher seat belt usage rates (See Attachment 2) and in turn, lower fatality rates.

Based on crash data, if Kansas had had a primary seat belt law in 2005 and had an 85% seat belt usage rate (the average for states with a primary seat belt law), 32 fatalities and 335 serious injuries could have been prevented in that year alone.

A primary seat belt law is the closest thing we have to a cure for the deaths and injuries happening on Kansas roadways. To effectively save lives and prevent injuries we must have real laws with real fines, apply real enforcement, and then educate everyone on the laws. A primary seat belt law with a fine of \$60 is a step in that direction.

In addition to saving lives and reducing injuries, passing HB 2136 would also qualify Kansas to receive \$11.2 million under the current federal transportation program, SAFETEA-LU.

This is an opportunity for you to make a difference in the lives of Kansans. With this bill you have the opportunity to save lives and reduce injuries, creating a happier and healthier Kansas.

House Transportation
Date: 2-14-07
Attachment # 1

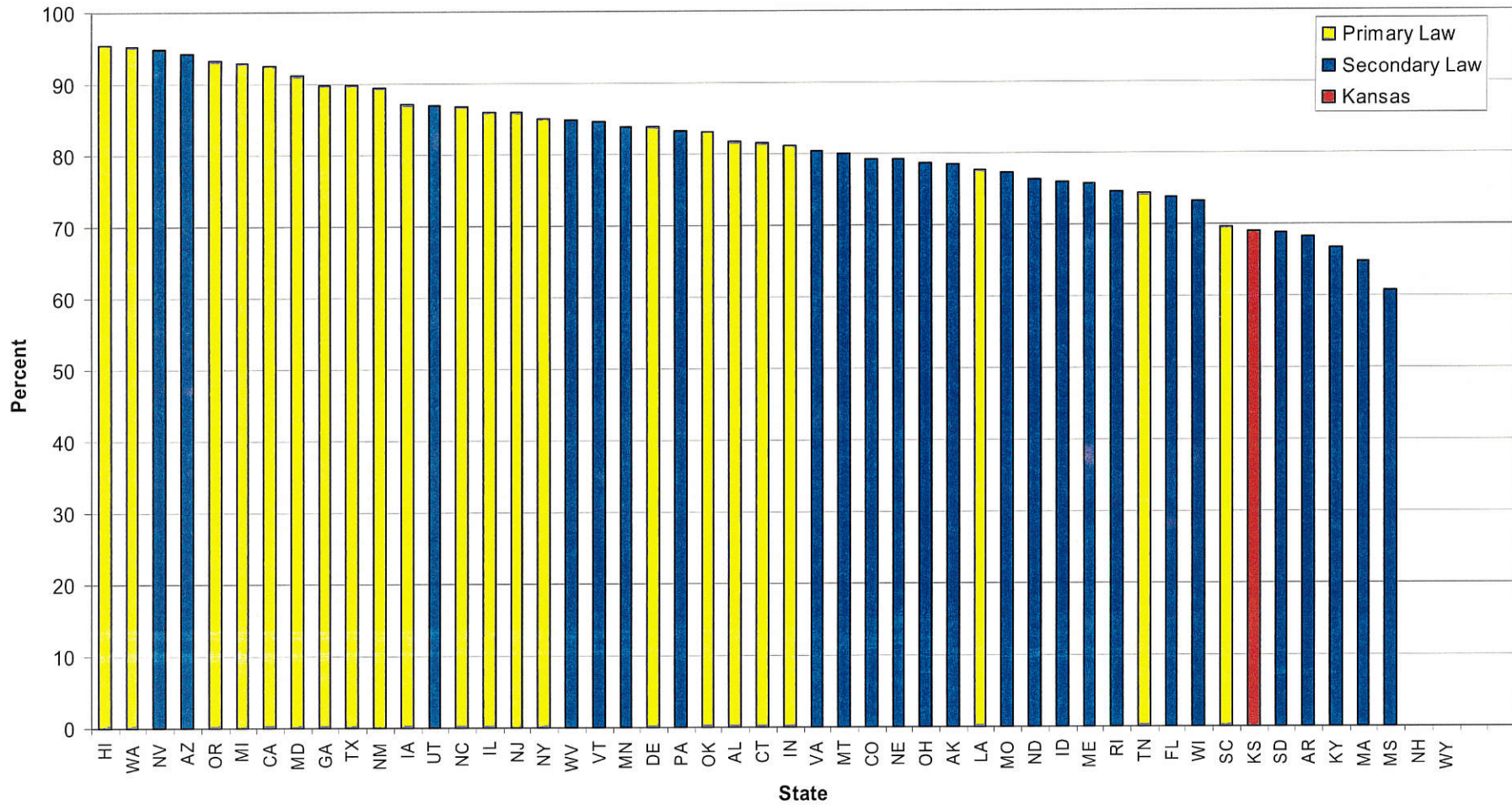
Kansas Motor Vehicle Crashes Unbelted Occupant Fatalities

2001-2005

3-2 CHEYENNE	6-4 RAWLINS	1-1 DECATUR	7-3 NORTON	3-3 PHILLIPS	10-5 SMITH	5-4 JEWELL	10-9 REPUBLIC	10-4 WASHINGTON	10-8 MARSHALL	17-11 NEMAHA	16-14 BROWN	8-7 DONIPHAN
15-8 SHERMAN	17-14 THOMAS	3-3 SHERIDAN	4-2 GRAHAM	4-4 ROOKS	2-1 OSBORNE	6-5 MITCHELL	12-9 CLOUD	7-3 CLAY	22-16 RILEY	18-13 POTTAWATOMIE	19-18 JACKSON	11-10 ATCHISON
2-1 WALLACE	3-1 LOGAN	14-11 GOVE	8-5 TREGO	20-16 ELLIS	9-4 RUSSELL	4-4 LINCOLN	6-5 OTTAWA	23-15 DICKINSON	21-15 GEARY	17-14 WABAUNSEE	60-41 SHAWNEE	45-32 LEAVENWORTH
3-2 GREELEY	1-1 WICHITA	4-4 SCOTT	3-1 LANE	4-4 NESS	6-6 RUSH	17-11 BARTON	4-4 ELLSWORTH	40-27 SALINE	21-11 LINCOLN	10-10 MORRIS	32-24 OSAGE	56-44 WYANDOTTE
5-3 HAMILTON	10-9 KEARNY	29-17 FINNEY	3-3 HODGEMAN	11-9 PAWNEE	8-7 STAFFORD	16-13 RICE	33-24 McPHERSON	36-24 MARION	7-2 CHASE	29-16 LYON	10-5 COFFEY	84-58 JOHNSON
5-4 STANTON	8-5 GRANT	17-9 HASKELL	16-12 GRAY	8-6 EDWARDS	12-8 PRATT	61-41 RENO	36-27 HARVEY	36-24 MARION	10-10 MORRIS	29-16 LYON	32-24 OSAGE	53-29 MIAMI
7-3 MORTON	13-10 STEVENS	17-12 SEWARD	11-7 MEADE	4-4 LANE	3-1 NESS	6-6 RUSH	17-11 BARTON	16-13 RICE	33-24 McPHERSON	36-24 MARION	7-2 CHASE	17-15 LINN
5-4 STANTON	8-5 GRANT	17-9 HASKELL	16-12 GRAY	44-33 FORD	5-5 KIOWA	12-8 PRATT	19-13 KINGMAN	196-133 SEDGWICK	58-42 BUTLER	13-9 GREENWOOD	11-7 WOODSON	20-16 BOURBON
7-3 MORTON	13-10 STEVENS	17-12 SEWARD	11-7 MEADE	6-6 CLARK	1-1 COMANCHE	9-8 BARBER	18-16 HARPER	36-30 SUMNER	43-30 COWLEY	4-3 ELK	24-17 WILSON	30-26 CRAWFORD
										8-6 CHAUTAUQUA	43-31 MONTGOMERY	28-17 LABETTE
												29-22 CHEROKEE

Total Occupant Fatalities - Unbelted Occupant Fatalities
2003 - 1448

Safety Belt Use Rate by Type of Law - 2005



Notes:

- Tennessee and South Carolina (to the left of Kansas) just recently passed primary safety belt laws. Tennessee in 2004 and South Carolina in 2005. Their usage rates are expected to increase.
- Mississippi and Kentucky (right of Kansas) passed primary safety belt laws in 2006. Their usage rates are expected to increase.
- Wyoming only collects safety belt rates every other year.
- New Hampshire did not report.

Safer Driving, Safer Roads.



THE DRIVING FORCE RECOMMENDATIONS

KANSAS

The Driving Force MEMBERS

Co-Chair
Jeff Boerger
Kansas Speedway

Co-Chair
Darlene Whitlock
Stormont-Vail TraumaCare

John Calhoun
Atchison County Sheriff

Vernon Chinn
Pratt County Sheriff

Sheri Christy
Landstar Ranger Trucking Company

Tara Griffith
State Farm Insurance

Oletha Faust-Goudeau
State Representative

Mary Getto
USD 430

Jim Hanni
AAA of Kansas

Holly Higgins
Kansas Farm Bureau

Mitch Jewett, RN
Newton Medical Center

Heather Jones
Franklin County Attorney

Roy Keller
AARP of Kansas

Lt. Russ Lamer
Salina Police Department

Jim McLean
Kansas Health Institute

Angie Nordhus
State Child Death Review Board

Tina Ortiz
Seward County Health Department

Bob Prewitt
Finney County EMS

Rev. Carol Rahm
First Presbyterian Church

Steve Rust
Kansas Turnpike Authority

Lance Saylor
Southeast Broadcasting

Gena Stanley
USD 292

Dr. Mark Wendt
Neosho Regional Medical Center

Tom Whitaker
Kansas Motor Carriers Association

In an effort to reduce fatalities and injuries on Kansas roadways, Governor Kathleen Sebelius announced the creation of the *Driving Force* Task Force in February 2006. The task force was charged with developing recommendations to reduce the number of fatalities and injuries on Kansas roadways.

The *Driving Force* is made up of more than 20 leaders from across the state. Task force members represent a wide variety of businesses and groups that have strong interests in traffic safety issues. The *Driving Force* is led by Co-Chairs Jeff Boerger, President of Kansas Speedway, and Darlene Whitlock, Trauma Project Coordinator for Stormont-Vail HealthCare in Topeka.

BACKGROUND

The *Driving Force* was created to complement a unique cross-agency endeavor led by Kansas Department of Transportation Secretary Deb Miller, Kansas Highway Patrol Colonel William Seck, and Kansas Department of Health and Environment Secretary Roderick Bremby. This effort, called the Safer Driving, Safer Roads campaign, laid the groundwork for the *Driving Force* through a series

of six community forums held across Kansas in Spring 2005. Those forums were held in an effort to raise awareness about the number of fatalities and injuries on Kansas roadways. The forums started a discussion with citizens, city and county officials, and legislators about their thoughts on traffic crashes and the impact they have. These forums highlighted the fact that traffic safety is a multi-faceted problem with no single solution.

The *Driving Force* met seven times across the state and looked at the areas of traffic safety impacted by education, enforcement, emergency services, and highway engineering. Members heard presentations from experts in various areas related to traffic safety and developed their recommendations based on the information from those experts.

To develop support for implementing the recommendations, the task force convened a workshop in November to present the draft recommendations to various organizations and associations with an interest in traffic safety issues. Input from these groups was used to refine the recommendations, and those groups were then asked to formally support the task force's recommendations.



THE RECOMMENDATIONS

The *Driving Force* identified a number of important recommendations that will require a significant amount of time and effort to implement. The task force members decided that the recommendations should be prioritized and phased into a three-year plan so that sufficient effort and resources could be concentrated on each issue to ensure implementation.

Immediate action is urged for the Year One recommendations. These recommendations are most likely to have the largest and most significant impact on reducing fatalities and injuries on Kansas roadways.

THE PROBLEM

Fatalities and injuries on Kansas' roadways are of epidemic proportions. In 2005, 428 people were killed in motor vehicle crashes in the state. Another 22,723 people suffered injuries as a result of a motor vehicle crash. Fatal and injury crashes cost every Kansan more than \$1,015 a year. In 2004, the total cost was nearly \$3 billion.

QUICK LOOK

- PAGE 2: Novice Drivers, Impaired Driving, Older Drivers, Roadway
- PAGE 3: Emergency Medical Services, Occupant Protection, Judiciary Process, Trauma Care
- PAGE 4: Commercial Motor Vehicles, Distracted Driving, Data, Future Implementation

NOVICE DRIVERS (TEEN DRIVERS)

THE ISSUE: Motor vehicle crashes are the leading cause of death and serious injury for teenagers in the United States. In Kansas during 2005, 80 teens were killed and more than 7,000 were injured in crashes.

National studies show that Graduated Driver's License (GDL) systems that limit nighttime driving and restrict the number of passengers in the vehicle are effective in reducing fatal and injury crashes involving teen drivers by 11 to 32 percent.

Driver education is also important for novice drivers to learn the rules of the road, as well as to gain practical experience behind the wheel. Coupled with an enhanced GDL system, driver education gives novice drivers the best opportunity to drive safely into the future.

RECOMMENDATIONS:

YEAR 1

- Pass legislation strengthening the Kansas graduated driver's licensing system to protect our youngest and most vulnerable drivers.
- Ensure that monies collected through driver's license fees for funding driver's education in Kansas high schools only are used for that purpose.

YEAR 2

- Educate all ages of Kansas children about traffic safety issues by making it a part of the Kansas Board of Education curriculum taught in elementary through secondary classrooms.



OLDER DRIVERS

THE ISSUE: The number of older drivers on Kansas roadways continues to increase as the baby boomers age, and there is growing public concern about the safety of these drivers. However, statistics show that only a fraction of older drivers are at an increased risk of being involved in a crash and older drivers also tend to self-regulate their driving.

Kansas currently has effective systems in place for dealing with driver evaluation and medical review. These systems are important for dealing with all drivers, not just the older driving population. But, in order to be proactive in dealing with an aging population it's important for those systems to be continually reviewed to make sure they are adequate for evaluating all drivers.

RECOMMENDATIONS:

YEAR 2

- Evaluate the use and administration of the driver medical review process.

YEAR 3

- Evaluate the driver's license renewal process for all drivers.



IMPAIRED DRIVING

THE ISSUE: The number of alcohol-related crashes has proven stubbornly resistant to change over the last 15 years, cycling up and down.

Impaired driving continues to be an issue and is especially troublesome among Kansas youth. Needed changes that were identified through a recent State of Kansas Impaired Driving Assessment should be implemented to better prevent, enforce, and adjudicate impaired driving offenses. Some of these changes include 1) creating a Kansas DUI Advisory Committee, 2) enhancing current impaired driving laws, 3) providing more training for law enforcement on the procedures and requirements of administrative license hearings, 4) improving the accuracy and accessibility to records of prior DUI convictions and diversions, 5) providing substantive education regularly to all judges who adjudicate DUI cases, and 6) making changes to the administrative license revocation and vehicle sanctions.

RECOMMENDATIONS:

YEAR 1

- Design a process to determine the effectiveness of current processes to prevent, enforce, and adjudicate impaired driving offenses, paying particular attention to recommendations made in the Impaired Driving Assessment held in July 2006.
- Expand current media campaigns to educate the public on the consequences of Driving Under the Influence (DUI) and Minor In Possession (MIP) convictions.

YEAR 2

- Increase the driver's license suspension for those with three or more convictions of Minor in Possession (MIP) from one year to as much as to the age of 21.
- Pass legislation creating a mandatory suspension of driving privileges with a conviction of using false identification to purchase alcohol under the age of 21.
- Pass legislation requiring health care professionals to report drivers impaired by alcohol or drug use to local law enforcement.



ROADWAY

THE ISSUE: Most traffic crashes are a result of improper driver behavior; however, innovative technology, based on sound engineering principles, when applied to roadways can save lives by preventing or attenuating motor vehicle crashes.

RECOMMENDATIONS:

YEAR 1

- Utilize shoulder and centerline rumble strips where applicable.
- All Kansas governmental jurisdictions should continue to make roadway improvements based on current engineering standards.

EMERGENCY MEDICAL SERVICES (EMS)

THE ISSUE: Emergency Medical Services (EMS) are crucial in saving lives on Kansas roadways following motor vehicle crashes. Medical professionals refer to the first hour after a trauma as the “golden hour,” when it is critical to get victims to the right places to receive appropriate treatment to increase the chances of survival. EMS plays a key role in this “golden hour,” and Kansans rely on having trained personnel and adequate equipment when needed.

Issues involving organization of the EMS system, recruitment and retention of employees, low pay, training, and a declining volunteer base in rural areas must be addressed. The first step in that process is to assess the current state of EMS in Kansas through a review led by the National Highway Traffic Safety Administration.

RECOMMENDATIONS:

YEAR 1

- Conduct further study, involving the Kansas Board of Emergency Medical Services, to address the needs of emergency medical services (EMS) in Kansas, starting with an updated EMS assessment by the National Highway Traffic Safety Administration (NHTSA).



JUDICIARY PROCESS

THE ISSUE: The Kansas judiciary process is an important component in the effort to deter illegal driving behavior and enforce convictions related to traffic violations, especially driving under the influence of alcohol. Seamless communication among courts before sentencing offenders is necessary to applying appropriate penalties. However, this process is not seamless, and at times sentencing occurs before or without the court's knowledge of a person's past offenses.

While improved communication efforts are vital, other states have also found the use of court monitoring programs for DUI offenders very effective. These programs, often developed at the grassroots level, are used to monitor and evaluate the DUI process from arrest to court sentencing to provide a level of oversight and accountability.

RECOMMENDATIONS:

YEAR 2

- Pass legislation to fund a statewide data repository system to track citations, adjudications, and diversions, including fines collected as a result.
- The Kansas Department of Transportation should establish a court monitoring system.



OCCUPANT PROTECTION

THE ISSUE: Kansas ranks 43rd worst in the nation with only a 69 percent safety belt usage rate. Kansas has a secondary safety belt law, which means drivers can only be fined for not wearing a safety belt if stopped and ticketed for another violation. According to national studies, using a safety belt is the single most effective countermeasure available in preventing fatalities and injuries in traffic crashes. States with standard (primary) safety belt laws have higher usage rates resulting in lower fatality rates.

Also, fatalities and injuries resulting from motorcycle crashes have increased steadily since 1995. Developing a comprehensive motorcycle safety program that focuses on crash prevention, as well as the use of helmets, will offer the greatest potential safety benefit for motorcyclists.

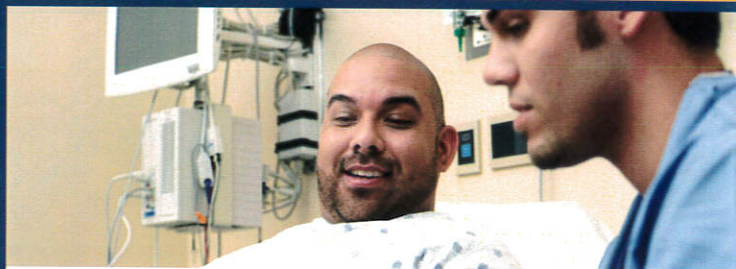
RECOMMENDATIONS:

YEAR 1

- Pass legislation enacting a standard (primary) seat belt law for all vehicle occupants, and impose a \$60 fine.
- The Kansas Department of Transportation should identify funding and develop a comprehensive motorcycle safety program.
- Continue to develop strong media campaigns aimed at increasing the safety belt usage rate.

YEAR 3

- Pass legislation requiring all motorcycle riders to wear helmets.



TRAUMA CARE

THE ISSUE: Trauma is the leading cause of death for Kansans under the age of 44, and more than 50 percent of these trauma deaths involve motor vehicle crashes. It is well established that an organized system of care reduces mortality by at least 20 percent. Access to appropriate trauma care within an hour after injury can mean the difference between life and death or whether patients fully recover from their injuries.

Currently, there are only five certified trauma centers in the state, and much of rural Kansas is not adequately served. Considering that more than 50 percent of the trauma deaths in Kansas are related to motor vehicle crashes, and that 72 percent of highway fatalities occur in rural areas, the lack of trauma centers in rural areas is of major concern.

It is important that nurses in emergency departments be educated on traffic safety issues so they can help educate patients on the importance of seat belts and child passenger seats, as well the dangers of driving while impaired by drugs or alcohol.

RECOMMENDATIONS:

YEAR 1

- Support the growth of trauma care in Kansas by having a minimum of a Level 3 trauma facility in each of the six healthcare regions in Kansas.

YEAR 3

- Require hospitals to provide traffic safety and trauma care education to emergency department nurses.

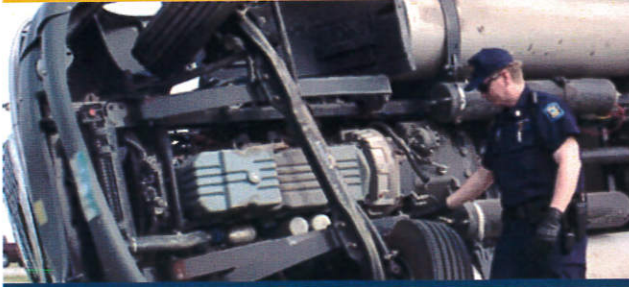
COMMERCIAL MOTOR VEHICLES

THE ISSUE: Alcohol and drug testing is a critical component of a comprehensive commercial motor vehicle safety program. Regulations require commercial motor vehicle operators to be tested for alcohol and drugs. A weakness with this process is that positive drug test results are only required to be reported to the employer and their current employer, meaning that future employers may not be aware of an operator's previous positive drug test. Recording all tests on an operator's driving record would allow all employers to be aware of previous problems with drugs or alcohol.

RECOMMENDATIONS:

YEAR 1

- Support legislation requiring Medical Review Officers to report a commercial vehicle driver's positive drug test and return-to-duty negative test to the Division of Motor Vehicles to be included on the driver's motor vehicle record.
- Support the Kansas Highway Patrol's efforts of traffic enforcement around large trucks, using federal grant funding.



DATA



THE ISSUE: The availability of traffic crash-related data is important in efforts to reduce fatalities and injuries on Kansas roadways. In a recent State of Kansas Traffic Records Assessment, a number of changes were suggested to improve traffic data collection in Kansas. Those changes will result in improving timeliness, consistency, completeness, accuracy, and accessibility of traffic-related data throughout the state.

RECOMMENDATIONS:

YEAR 2

- Implement the recommendations from the Traffic Records Assessment held in March 2006 and pursue efforts to secure additional funding for implementing the recommendations through grants or an increase in fees for traffic violations.

YEAR 3

- Enhance current state statute to give the Secretary of Transportation the option of withholding five percent of special city/county highway funds from entities that are late to report traffic crash information.
- Create a uniform traffic citation form to allow for gathering consistent data across the state.

DISTRACTED DRIVING



THE ISSUE: Distractions are the cause of 25-30 percent of all vehicle crashes. While there are scores of events, activities, and objects inside and outside of a vehicle that can divert a driver's attention, the use of cell phones and other portable electronic devices have perhaps been the most controversial. The explosion of cell phone usage in the United States has resulted in a resurgence of interest in driver distraction legislation.

Cell phone-specific data has only been collected in the last few years. While there is not enough data to make specific recommendations, the potential for a problem should be recognized, and Kansas should continue to collect data and monitor national studies regarding the impact of using cell phones and other electronic devices while driving.

RECOMMENDATIONS:

YEAR 1

- Recognize cell phones and emerging technologies as a growing traffic safety concern, and the Kansas Department of Transportation should monitor data and studies regarding the impact of using cell phones and other devices.

FUTURE IMPLEMENTATION

THE ISSUE: The *Driving Force* recommendations will need to be implemented over a number of years. An entity should be created that is responsible for carrying out and implementing those recommendations. It is important that a recognized group be responsible for monitoring progress and reprioritizing recommendations as needed.

RECOMMENDATIONS:

YEAR 1

- Create an entity to set the agenda for future implementation of the *Driving Force's* recommendations.



GOAL

The goal of the *Driving Force* is to produce recommendations to reduce the number of fatalities and injuries on Kansas roadways. The *Driving Force* is a part of Kansas' Safer Driving, Safer Roads campaign. The purpose of this campaign is to inform and change driver attitudes and behavior to create a safer environment for all. The Safer Driving, Safer Roads campaign is being led in a unique cross-agency endeavor by the Kansas Department of Transportation, the Kansas Highway Patrol and the Kansas Department of Health and Environment.

SUPPORTERS

AAA Allied Group
Brain Injury Association of Kansas and Greater Kansas City
Children's Mercy Hospital/Family Health Partners
Federal Highway Administration
Kansas Action for Children
Kansas Association of Chiefs of Police
Kansas Chapter, American Academy of Pediatrics
Kansas Emergency Medical Services Association
Kansas Emergency Medical Technicians Association
Kansas Family Partnership
Kansas Peace Officers Association
Kansas Safety Belt Education Office
Kansas Sheriff's Association
Kansas State Nurses Association
Kansas Turnpike Authority
Safe Kids Kansas
State Child Death Review Board
State Farm Insurance
Stormont-Vail HealthCare
Topeka Driving School
Kansas Department of Agriculture
Kansas Department of Education
Kansas Department of Health and Environment
Kansas Department of Transportation
Kansas Highway Patrol

CONTACT

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E: maggiet@ksdot.org



Paul B. Harrison, MD, FACS
Chair, Advisory Committee on Trauma

Urban/Rural MVC Injury Mortality Disparity

- Mortality Rate (2004)
 - Rural:
 - Crude: 30.0 deaths per 100K residents
 - Urban:
 - Crude: 12.2 deaths per 100K residents

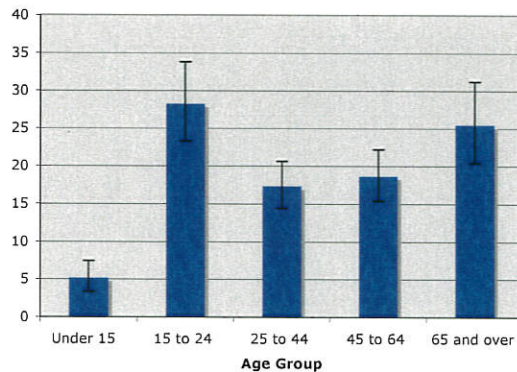
House Transportation
Date: 2-14-07
Attachment # 2

Urban/Rural MVC Hospitalization Disparity

- Hospital Discharges (2004)
 - Rural:
 - Crude: 83.9 discharges per 100K residents
 - Urban:
 - Crude: 66.7 discharges per 100K residents

- MVC Mortality rate highest for young adults

Figure 1: Mortality Rates by Age
Kansas Information for Communities (KIC), Vital Statistics
Kansas Department of Health & Environment, 2005

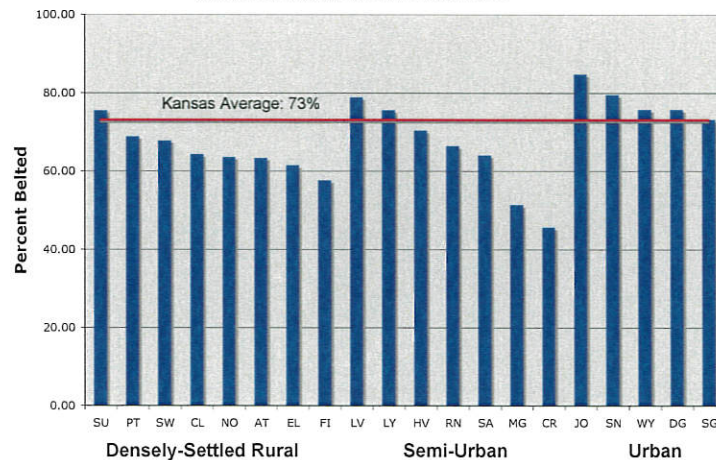


Seatbelt Usage in Kansas

- 2005 KDOT Observational Study:
 - Kansas average: 69% belted
 - National average: 82% belted
 - Kansas Rank: 43th
- 2006 KDOT Observational Study:
 - 73% belted
 - No national comparison yet

- Urban Counties have higher seatbelt usage on average

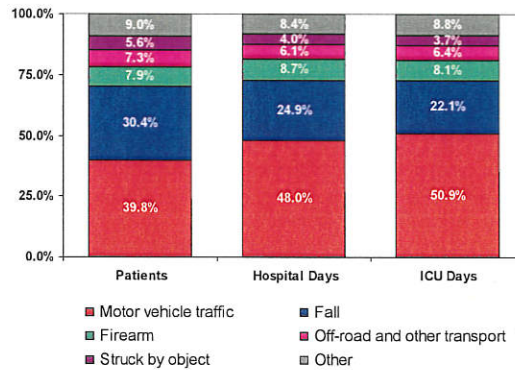
Figure 2: Observed Seatbelt Usage in Surveyed Counties
Safety Belt Direct Observation Study
Kansas Department of Transportation, 2006



- Motor Vehicle Trauma accounts for more admissions and longer stays than any other cause of injury

Figure 4: Leading Mechanisms of Serious Injury (ISS≥16)

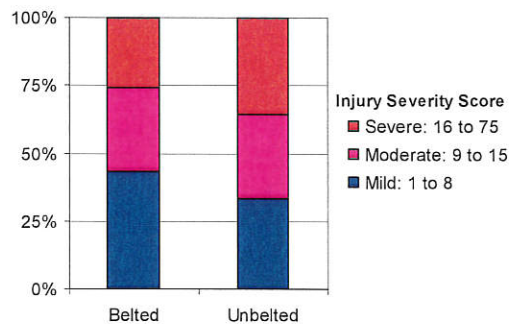
Kansas Trauma Registry
Kansas Department of Health & Environment, 2005



- Even among the most severely injured, unbelted patients have more severe injuries

Figure 5: Seatbelt Usage and Injury Severity

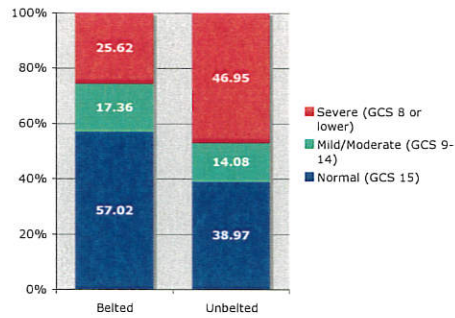
Kansas Trauma Registry
Kansas Department of Health & Environment, 2005



- Among the most severely injured, unbelted patients are more likely to be comatose

Figure 6: Seatbelt Usage and Glasgow Coma Scale (ISS \geq 16)

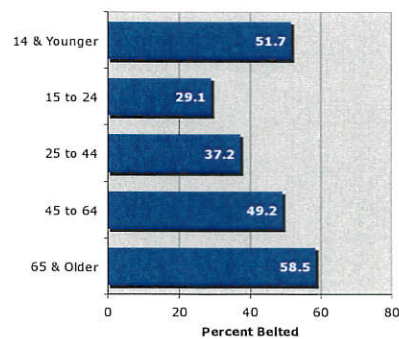
Kansas Trauma Registry
Kansas Department of Health & Environment, 2005



- Among severely injured patients, young adults have the lowest rate of belt use

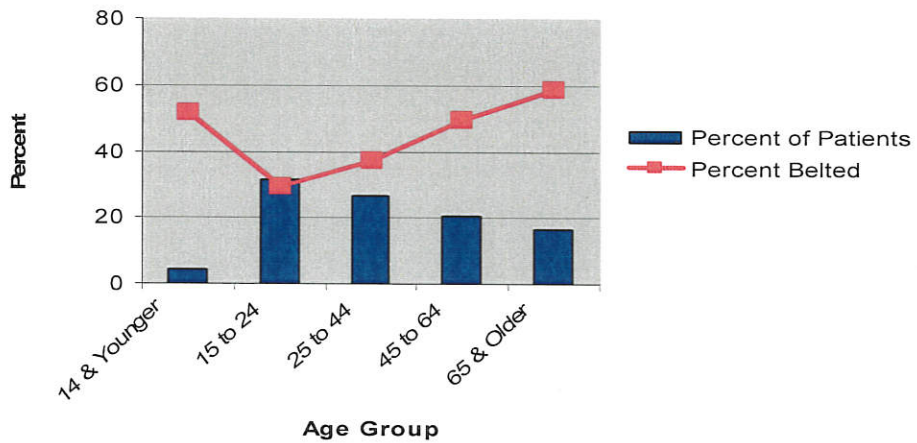
Figure 7: Seatbelt Use by Age Among the Most Severely Injured (ISS \geq 16)

Kansas Trauma Registry
Kansas Department of Health & Environment, 2005



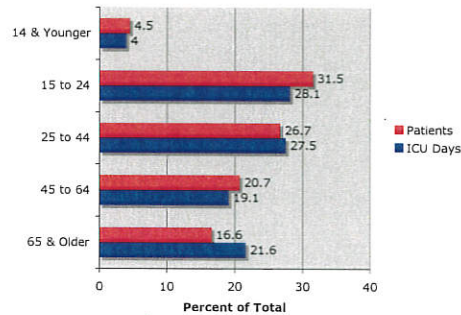
Seatbelt Use in Severely Injured Patients

Figure 8: Percentage of severely injured patients (ISS ≥ 16) in each age group (blue bars) and the percentage of those that wore a seatbelt (red line).
Kansas Trauma Registry 2005



- Young adults account for largest number of severe injuries and ICU days

Figure 8: Age of Patients Severely Injured (ISS ≥ 16) In Motor Vehicle Crashes
Kansas Trauma Registry
Kansas Department of Health & Environment, 2005



Healthcare Burden and Seatbelts

- Rural Health Disparity:
Access to timely emergency care
- Patients injured on rural roads often need medical resources provided by trauma centers for best outcomes.

Summary

- Among the most severe injuries ($ISS \geq 16$) MVC account for:
 - More hospital admissions
 - More total days spent in ICU
 - More total days in the hospital
- Large rural/urban disparity in morbidity & mortality from MVC
- Young adults account for the largest proportion of MVC trauma & lowest seatbelt usage

Conclusions

- Use of seat belts is a proven way to reduce the number of fatalities & severity of injuries from MVC
- We urge your support of a primary seat belt law in Kansas



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on 2007 HB 2136
to
House Transportation Committee**

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

February 14, 2007

Good afternoon, Mr. Chairman and members of the committee. My name is Colonel William Seck, and I'm speaking today on behalf of the Kansas Highway Patrol in support of 2007 House Bill 2136 and standard seat belt laws.

Currently under Kansas law, law enforcement officers must cite a driver for another infraction before issuing a citation for failure to wear a seat belt. In some cases, drivers are issued a warning for the initial violation, such as speeding or an improper lane change. This then makes it impossible to issue a citation for a seatbelt violation when warning someone for the primary violation. Without a doubt, I believe issuing citations for seat belt violations is one of the most effective ways to effect positive change.

Since joining the Highway Patrol in 2003, I have strongly encouraged troopers to issue citations, rather than warnings, for seat belt infractions. In that time, our agency's warnings have decreased, citations have increased and fatalities in Kansas were reduced (down 178 deaths compared to the prior 4 year period). I am optimistic that the enforcement and education efforts of the Patrol and other Kansas law enforcement agencies contributed to these wonderful accomplishments. If we can achieve fewer lives lost by strongly enforcing a secondary law, just think of what we could accomplish with a primary law. Seat belt use in Kansas has increased every year since 2001. At 73% in 2006, Kansas is still woefully below the national average of 81%, but the gradual increase over time gives me hope that Kansans are embracing the idea of buckling up.

The Patrol believes enforcement and education go hand-in-hand. In addition to troopers who give safety presentations at schools and community organizations, our agency is fortunate to have seven seat belt convincers and seven rollover demonstrators. The convincers, purchased with grants from KDOT, simulate a head-on crash at 5 mph. Riders, who are belted in, experience how strong a crash at slow speeds can propel them forward, but the seat belt protects them. The rollover demonstrator also purchased with KDOT grants, places a dummy inside the cab of a truck without a seat belt and simulates a rollover crash. It's frightening to see how easily the unbelted dummy is ejected through the truck's window.

Seat belts protect you from being ejected from the vehicle, being slammed around inside the vehicle, and/or making contact with the windshield, dash or other interior parts. Air bags alone are not enough. In addition, air bags are designed to work in tandem with your seat belt, and will not stop you from being ejected from the vehicle. A seat belt will. The force in a rollover crash is very strong and can throw people of any size out of a window or a door that opens during the crash.

House Bill 2136 includes funding mechanisms for traffic records management, emergency medical services, and trauma care. All three of these issues are very important. Saving lives through traffic initiatives is not just a law enforcement issue. Enhancing emergency medical services and trauma care will greatly benefit nurses, doctors, and EMTs who treat the victims of all types of accidents, including workplace injuries, farming accidents, traffic crashes, and the like. Improving traffic records management in the state will facilitate better communication among agencies and courts, and it ultimately allows those responsible make better-informed decisions in sentencing dangerous, repeat offenders.

Seventy percent of persons killed in 2005 were not belted. It takes 10 seconds or less to buckle your seat belt, which could make the difference of a lifetime. If you ever have the chance to put forth a change that will undoubtedly save someone's life – this is it. It is proven time and time again – seat belts save lives. Even with the best safety presentations, the seat belt convincers, and the rollover demonstrator, we need strong laws to support these safety initiatives. Statistics show states that have made the commitment and changed their secondary law to a primary law have experienced an increase in seat belt usage from 10% to 15%. As Kansans, we could quickly see as much as 83% to 88% of us buckling up for this simple change. As law enforcement officers, we are committed to protecting the public and saving lives. As lawmakers, this is your opportunity to join us in that effort.

It has been a pleasure working with the *Driving Force* task force as they explored the various ways to reduce fatalities on Kansas roadways. This group has invested a lot of time and themselves and I commend them for bring important issues such as this to us today. As always, I appreciate the opportunity to speak with you today. The Highway Patrol supports House Bill 2136, and we ask that this committee give HB 2136 favorable support. I will be happy to answer any questions you may have.

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Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

**Testimony on HB 2136
to
House Committee on Transportation**

**Submitted by
Roderick L. Bremby, Secretary
Kansas Department of Health and Environment
February 14, 2007**

Chairman Hayzlett and members of the Committee on Transportation, my name is Rod Bremby and I serve as Secretary of the Kansas Department of Health and Environment. I am pleased to present testimony today in support of HB 2136, which proposes a primary seat belt law for Kansans.

Former Transportation Secretary Norman Mineta is quoted as saying, "We are in the midst of a national epidemic. If this many people (45,000) were to die from any one disease in a single year, Americans would demand a vaccine. The irony is we already have the best vaccine available to reduce the death toll on our highways – safety belts."

Nationally, one person dies every 13 minutes due to a motor vehicle crash. Additionally a crash that results in injury occurs every 10 seconds and a crash causing property damage occurs every 7 seconds. Non-use of seatbelts in these crashes cause needless deaths and injuries costing society an estimated \$26 billion annually in medical care, lost productivity and other injury related costs. The medical bills of unbelted crash victims are 50% higher than belted victims. Society bears 74% of the cost through increased insurance premiums, taxes, and health care costs. The public pays 13% of the cost of crash injuries treated in an emergency department; 26% of the cost of injuries requiring hospitalization; and 48% of the cost of injuries treated in a rehabilitation hospital. On a state level, the annual economic cost of motor vehicle crashes in Kansas is more than \$3 billion. These are preventable costs to the Kansas economy.

Forty-three states had higher seat belt use in 2006 than Kansas, with a usage rate of 73%. While our rate of seat belt use had increased over the years, we consistently lag behind the vast majority of states with respect to seat belt use. The continued low use of seat belts contributes significantly to the dismal picture of death and injuries of Kansans that result from motor vehicle crashes. Of Kansans killed in crashes, 70% were not wearing seat belts. Preliminary reports of traffic deaths in Kansas indicate the death toll increased from 428 deaths in 2005 to 464 deaths during 2006. This represents an increase of 8.4% in traffic deaths, a fact that captured the attention of USA Today in its cover article last week. These are preventable costs to human life.

The national Buckle Up America Campaign was initiated in 1997 around four basic points 1) expand effective public education 2) conduct active, high-visibility enforcement 3) build public-private partnerships at the local, state and federal levels and finally 4) enact strong legislation.

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 540, TOPEKA, KS 66612-1368

Voice 785-296-0461 Fax 785-368-6368

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Kansas has made great strides towards achieving the first three points and, along with every state except New Hampshire, has already expressed legislative intent for people to wear seat belts by passing its current secondary seat belt law in 1986. Now is the time to act on the fourth point by making failure to use seatbelts a primary offense. This is a policy that has been soundly demonstrated to accomplish what the original safety belt laws intended. Based upon the experience of the 25 states with this law, such a policy is certain to increase seat belt use among Kansans and save lives as a result.

It's time to buckle up! In 2004, 62% of 16- to 20-year-old passenger vehicle occupants killed in crashes in the U.S. were not wearing a safety belt. According to statistics from the National Highway Traffic and Safety Administration (NHTSA), rural Americans face greater risk of being injured or killed in a traffic crash than those who live and commute in urban areas. The motor vehicle fatality rate in rural areas is more than double the fatality rate in urban areas. Pickup truck drivers and their passengers, particularly those in rural areas, are the least likely group to buckle up. Kansas usage rates show a similar variance between rural and urban with a high of 85% compliance in Johnson County to the lowest, 46% compliance in seat belt use in rural Crawford County. Strengthening the seat belt law from a secondary to primary offense will have an immediate impact on lessening this disparity.

The demonstrated benefits of primary enforcement have prompted 25 states (as of September 2006) to upgrade from a secondary to a primary law. As a result, those states have achieved significantly higher usage rates. A study conducted by the Insurance Institute for Highway Safety found that when states strengthen their laws from secondary enforcement to primary, driver death rates decline by an estimated 7%. Drivers report that they are more likely to buckle up because their perception is that they will be ticketed if they don't. Even a small change in seatbelt use among a population translates to a significant decline in death and injury. For example, a mere two percentage point increase at the National level is projected to prevent 540 fatalities, 8,000 serious injuries, and \$1.8 billion in economic costs. An example close to home is the success that Oklahoma experienced after upgrading its seat belt law to primary enforcement in 1997. Their usage rate increased from 48 % in 1996 to 68 % in 2001, an increase of 20 percentage points that continues to climb. By 2005, the prevalence of seatbelt use in Oklahoma had risen to 83.1 %.

Passage of HB2136 would result in substantial progress toward meeting our Healthy Kansas 2010 goals to increase seat belt usage and to reduce death rates due to motor vehicle crashes. Primary safety belt laws have been shown to increase observed safety belt use by 12% to 22.6% over secondary laws. Implementing a primary safety belt law in Kansas can be expected to save between 140 and 158 deaths, between 2,190 and 2,387 serious injuries, and between 1,899 and 2,070 minor injuries among motor vehicle occupants per year. A primary safety belt law is also projected to result in economic savings of some \$440 to \$485 million annually.

Thank you for your consideration of this important public health issue. A vote for HB2136 is your chance at not only saving money for the Kansas economy, but most importantly, it's a chance at perhaps saving a life in your district without the expenditure of a single dollar. A vote for this bill is as Secretary Mineta stated, "the best vaccine available to reduce the death toll on our highways." I will be pleased to stand for questions.

TESTIMONY, HB 2136
Presented by Stephanie Wilson
February 14, 2007
House Transportation Committee

Mr. Chairman and Committee Members:

I am here to provide testimony in support of House Bill 2136, a primary seatbelt law. My name is Stephanie Wilson, I am sixteen years old, and I am a junior at Jefferson West High School in Meriden.

In October, 2006 I was in a one-car accident at approximately 5:45 in the morning. I was traveling to school for dance practice. I hit a patch of gravel on a curb and I turned the wheel of my truck hard left which caused me to over compensate. This caused my truck to fish tail and go off the other side of the road. I traveled down a deep ditch, hit some brush, flipped, and hit a tree landing upside down.

When I went to the hospital, the ER doctor asked if I had worn my seatbelt. Saying yes, he then told me that the way I had flipped was one factor that had saved me. I had no major injuries and was out of the hospital an hour later. Then I learned that if my truck would have landed against the tree six inches inward I could have had a possible head injury. Also, if I had met a car coming in the opposite lane I could have died or had worse injuries. Three factors saved my life that day: one, my truck landed exactly right; two, a car was not traveling at the same time I was; and three, I was wearing my seatbelt. I could not have controlled the first two, but my choice to wear my seatbelt I did have control over.

For years, my mom had never worn her seatbelt, but after receiving the news that it was my lifesaver, she now buckles up before she puts the key into the ignition every time. I think everyone should know how important it is to wear a seat belt, but they should not have to find out the way my mom did. This law would put into peoples' minds that it is important and that seatbelts do save lives. With this law in place more adults would change their minds and buckle up, with that their kids would also. Deaths on the roads would decrease and saved lives would increase. I would not be here today speaking to you if it weren't for my seatbelt.

House Transportation
Date: 2-14-07
Attachment # 5

**HOUSE TRANSPORTATION COMMITTEE
PRIMARY SEAT BELT (HB 2136)**

I am writing this letter to reinforce the need for mandatory seat belt laws and how they can save lives of our loved ones. I can tell this with a very personal story.

I am the mother of three children Crystal, Cassie and Amber Weeks. On September 11th, 2001 my three wonderful gifts went off to school as they did every day. Crystal who had turned 15 the year before had her new car and restricted drivers license. She had all the hours behind the wheel she needed and was taught to wear her seat belt at all times and to make sure her younger sisters did the same. After school Crystal got into her car and waited for her sisters. Cassie called shotgun and jumped into the front seat yelling "come on Amber let's go" Leaving the parking lot of the Oskaloosa High School, ("nothing ever happens in Oskaloosa") with the events of the day going through her head, making plans to meet friends after taking younger sister Cassie to cheerleading practice, she waved good-bye to her friends. Crystal and Cassie riding up front, windows down on a crisp fall day, without seatbelts on because ("you can't get in trouble for not wearing a seat belt, they are so stupid, and nothing ever happens in Oskaloosa, and I am a safe driver.") Amber in the back seat wanting to be like her sisters but not wanting to get in trouble from mom put her seat belt on. They turned down the newly graded gravel road going slow about 25-30mph, when about 1.5 miles from home Crystal lost control and hit a culvert sending the car rolling several times. Crystal and Cassie were ejected from the car through the windshield. Amber age 11 unbuckled herself from an over turned car, crawled out to find her sisters. Amber only had a bump on the back of her head where her book bag hit her. She pulled her sister's out of the middle of the road so no one would run over them. Amber saw Crystal's eyes were open and wasn't breathing. She tried CPR on her then went to Cassie who she could not wake up but knew she was breathing. A car came by and she waved them down to help that is when I got the phone call that my girls were on their way to the hospital. Crystal had a closed head injury and the CT, EEG, and blood flow studies showed there was no brain activity. Crystal Weeks 10/15/1985 to 09/12/2001. Cassie also had a closed head injury but not as severe. There was hope. The night prior to Crystal's funeral Cassie threw a blood clot to the brain stem and all chance for recovery were gone. Cassie 5/18/1988 to 09/18/2001.

House Transportation
Date: 2-14-07
Attachment # 6

Can you imagine what might have been had they been wearing their seatbelts. Think of all the joy those lives could have brought to many. I know Amber is one the greatest joys to many peoples lives. She lives because of a seatbelt.

If this law could keep one person from dying, one family from years of grief, and wondering what if only, than it is worth it. Death does not hurt the people who die it's all of us who are left behind, because those people may have changed the world into a better place.

Thank you
Deborah Weeks



KANSAS

DENNIS ALLIN, M.D., CHAIR
ROBERT WALLER, CHIEF ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

BOARD OF EMERGENCY MEDICAL SERVICES

Testimony

Date: February 13, 2007
To: House Committee on Transportation
From: Robert Waller, Chief Administrator
RE: House Bill 2136

Chairman Hayzlett and members of the House Transportation Committee, thank you for the opportunity to provide testimony on the House Bill 2136, my name is Robert Waller and I am the Chief Administrator for the Kansas Board of Emergency Medical Services (KSBEMS).

It is difficult to fully express the magnitude of seat belts and the number of lives they save, although, I know, statistics provided by the Kansas Department of Transportation, Kansas Highway Patrol, and the National Highway Traffic Safety Association (NHTSA) attempt to statistically note the importance of seat belts. This Legislature, through bill passage and the Kansas Department of Transportation's program "Click it, or ticket", made your concerns clear and emphasized the importance of seat belt and their usage in saving lives. So, now we look at seat belts from another angle, and that is "motivation." I understand the issue before the Committee. Public privacy versus law enforcement or the notation that the passage of the bill would create one more method by which I (as a citizen) could be pulled over for a traffic stop. I understand the concern with civil liberty, or government infringing on our rights and in all places our automobiles. However, I believe this Legislature has the duty to look at the legislation carefully to consider its merits. First, statistics. According to NHTSA Traffic Safety Facts (Seat Belt Use in 2006), 24 states currently have a primary seat belt law. The report notes that seat belt use rates are higher where laws are stronger (a combined use rate of 85 percent in "primary" states as opposed to 74 percent in "secondary" states). Meaning, a primary seat belt law "motivates" individuals to wear a seat belt. Now, reality. I am not law enforcement, so the extent of the "enforcement" of this legislation is beyond me. However, for EMS, it aids attendants and services arriving on scene to care for a patient with minor scratches and cuts from an accident, as opposed to strapping the patient to a spine board, fitting a c-collar, beginning an IV, and rushing the patient immediately in the emergency room due to the extent of their injuries. "Usually" what is the difference between those two patients...a strap of cloth called a seat belt. At that moment, neither the patient nor their family notes the difference between a primary and secondary law.

Secondly, the money derived from the bill (approximately \$1,036,000) would help attendants and services with training and equipment. Earlier this session, I appeared before this Committee and made this statement....

House Transportation
Date: 2-14-07
Attachment # 7

"HB 2101 and HB 2119 are pieces of legislation that not only provide a financial incentive for EMS personnel, but also provide a recruitment tool for EMS services attempting to recruit additional personnel. The passage of this bill would go a long way to demonstrate support and acknowledgement from the State."

That statement remains true. With EMS, both rural and urban coming to the realization and understanding of their place in homeland security plans and operations, equipment needs, training for personnel, and access to new personnel, bills such as HB 2136 set up the mechanism to support and grow EMS in the state. Also, it enables services and the six (6) EMS Regional councils with funding to finance training and equipment that otherwise may be an expense that falls through the budgetary net. Earlier this year, through funding provided by the Kansas Department of Health and Environment, KBEMS provided 322 pediatric spine boards and 54 Broselow kits to services throughout the state. Some, if not most of the smaller services, did not have the equipment and even as KBEMS contacted services to ask what was needed, and the items sent, service directors still called to say "can I keep them." They called the State to simply say thank you and acknowledge that the equipment provided could not have been acquired within their current finances. The passage of HB 2136 would facilitate these types of equipment acquisitions.

Bill Language

House Bill 2136, as introduced, enhances the current seat belt law from secondary to primary. It also increases the seat belt fine from \$10 to \$60, and provides the following funding amounts to the particular state entity:

- Credit \$17 to the EMS revolving fund all moneys will be used by the emergency medical services board to improve and enhance emergency medical services in the state.
- Credit \$17 to the trauma fund established under K.S.A. 75-5670,
- Credit \$16 to the traffic records enhancement fund shall be used by the department of transportation for the purpose of enhancing and upgrading the traffic records systems in the state.

Conclusion

Simply members of the Committee, the passage of HB 2136 "tightens" the seat belt law. Yes, it makes it tougher for those who normally do not wear a seat belt, to circumvent the law. But, the original seat belt law acknowledged the same sentiment. Seat belts save lives, and this Legislature and this Committee has made it a point to emphasize just that....the lives of the citizens of Kansas. Lastly, with passage, you provide a financial mechanism through application and distribution for the KBEMS to aid EMS services and attendants throughout the state. Access to updated equipment and the latest training keeps EMS on the cutting edge in providing rapid pre-hospital care. Although, KBEMS has and does provide some funding to aid services, much more could be done and the financial allocation of funding from the bill would accomplish that goal.

Thank you for allowing me to testify in support of HB 2136 and I will stand for any questions you may have.

Mr. Chairman, members of the committee, I am Chris Maurich representing ABATE of Kansas Inc. We are opponents of HB 2136, Primary Seat Belt Law.

Kansas law requires seat belt use, and we feel the current law is adequate. We feel that HB 2136 focuses on revenue, not safety. The bill reads like a revolving account, as section 1 and 2 dictate the creation of "revolving" funds from the state treasury. The title states "concerning the use of safety belts", but the important aspects are the creation of the "traffic records enhancement fund" and the "EMS revolving fund". The fiscal note for HB 2136 shows a breakdown for expenditures, with hopeful estimates of potential violations. The current infractions average 31,000 yearly, KDOT hopes for 77,000 infractions for 2008 to fund their plans.

The National Traffic Safety Administration data shows that roads have been getting safer, but it is not due to seat belts being a primary offense crime. Most states have enjoyed progressively safer streets, regardless of the harshness of their seatbelt laws. In 2004, of the top 20 safest states, 10 had primary enforcement and 10 did not. New Hampshire is the only state without an adult seat belt law and its roads are rated the nation's fourth safest roads. Neither of the two safest states have primary enforcement, and of the top five, only one had primary enforcement. In 1924 America, there were about 24 deaths for every 100 vehicle million miles traveled. By 1984, when New York became the first state to pass a seat belt law, the nation's highway fatality rate had already fallen 90 percent to about 2.5. Today it stands at about 1.5. Kansas had a 1.32 rate in 2004, with around 74,000 accidents and 391 fatalities.

In 2004 Illinois began enforcing a tougher, "primary enforcement" law, which allows law enforcement to pull over those whose only offense, is not buckling up. Police officers issued 43,000 more tickets than the previous year. The results: seat belt went up 9 percent and there were about 63 fewer automobile fatalities in 2005. Are the streets safer because of the new law, or would this have happened anyway? According to NHTSA, there has been a 47% drop in fatalities over a twenty year period prior to the new law in Illinois.

Laws shouldn't protect careless people from themselves; they should protect the peaceful from the dangerous. If it distracts law enforcement from more important duties, it can also make us less safe. Why waste police time with seatbelt laws?

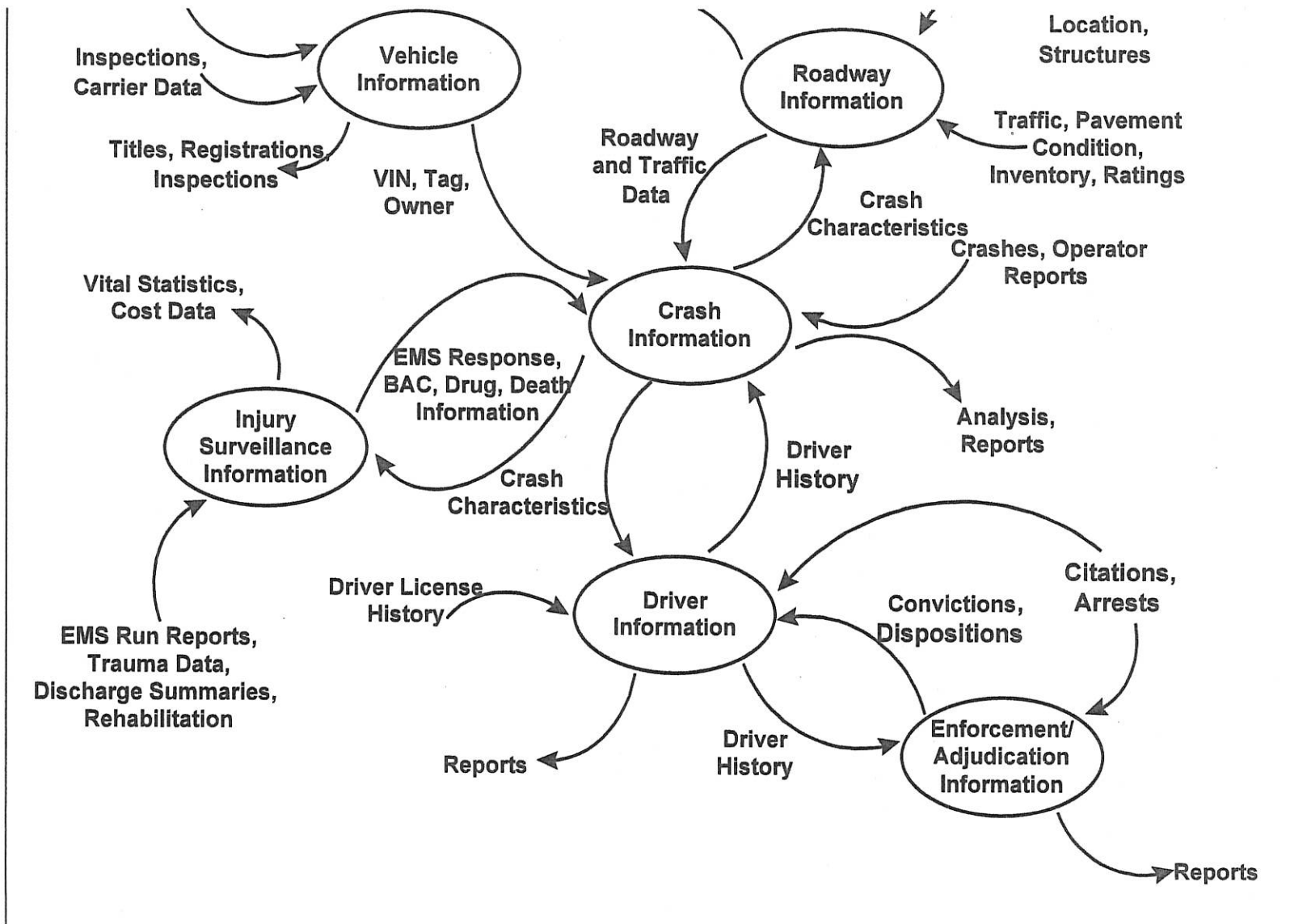
If an adult does something risky - like tightrope walking, smoking or driving without a seatbelt - that person alone is responsible for the consequences. And since drivers who don't buckle up aren't making anyone else less safe, laws that bear down on these people don't make other motorists any safer either. Yes it's tragic when someone dies because he or she refused to wear a seatbelt, but it's much more tragic when a reckless driver kills innocent people.

The central folly of seat belt laws is they don't necessarily protect safe drivers from dangerous drivers. Seat belt use does not cause accidents, and a driver's decision to go belt less does not make anyone else less safe.

The point is that there is more to highway safety than seat belt use. The age of the population, the conditions or speed involved whether or not drinking, drugs or drowsy driving contributed. Making the failure to wear a seat belt a primary offense will probably not do too much to change behavior, let alone accident results. Relatively few motorists will even know that the change has occurred, let alone what it means.

Chris Maurich

House Transportation
Date: 2-14-07
Attachment # 8



3

Testimony for
The Kansas Committee on Transportation
concerning

HB 2136, seatbelt law
on February 14, 2007
from

Mr. Kelly Wendeln
919 S. Highland
Chanute, KS 66720

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U.S. Supreme Court warning	7.

1. HB 2136 makes the seatbelt law primary enforced, raises the fine to \$60 + includes back seat passengers.
2. The first Kansas adult seatbelt law was passed in April 1986 by just one (1) vote in the House + Senate. New Hampshire is the only state that has no adult seatbelt law.
3. Repeal impossible because U.S. Congress has also passed a seatbelt law + the U.S. D.O.T. won't let states digress.
4. 1973 Buckle UP or Go To Jail
5. Forced self-protection
6. Highway Patrolmen don't make the laws - they just enforce them.
7. U.S. Supreme Court warnings:
 "The United States could find itself in the midst of another civil war if government regulation of private lives isn't slowed." - U.S. Supreme Court Chief Justice William Rehnquist

THE WICHITA EAGLE

Tuesday, January 30, 1973

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Buckle Up or Go to Jail

One year from now, every person in Kansas may be forced to wear seatbelts while riding in a car. You will be fined or jailed if you do not protect yourself! This will happen when the U. S. Department of Transportation succeeds in their little publicized efforts to force every state, by threatening to withhold federal highway funds, to "enact a statutory provision providing for mandatory wearing of seatbelts including both lap and shoulder belts . . ." (Reprinted from Federal Register, Vol. 37, No. 150—August 3, 1972, p. 15608, 242.5 Traffic laws and ordinances.)

Wearing seatbelts is advisable, but a mandatory seatbelt law is not the right approach. People should be educated and influenced to use seatbelts. A seatbelt law would be unconstitutional according to the Fourteenth Amendment.

Constitutional laws protect members of a community from actions of an individual, and unconstitutional laws protect an individual from himself. An example of a similar unconstitutional law is the highly controversial motorcycle helmet law. A Department of Transportation leader is reported to have said that motorcycles were selected as the precedent setters to drive the thin edge of the wedge into a person's right to be free, from forced self-protection.

The greatest danger to liberty lurks in insidious encroachment by men of well-meaning, but without understanding. Everyone has the right to use his property as he sees fit as long as he endangers no one else.

KELLY WENDELN
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House Transportation Committee

Wednesday, February 14, 2007

Written Testimony Regarding the Collection of Fines Pursuant to 2007 HB 2136

Lana Walsh, Office of Judicial Administration

The Office of Judicial Administration requests an amendment to 2007 HB 2136 to make the disposition of fines paid for seat belt violations consistent with fines paid for violations of other Kansas statutes, as provided by K.S.A. 2007 Supp. 20-350. This would relieve the clerks of the district court from the time-consuming job of checking the underlying statute every time a fine is paid to ascertain whether the disposition of the fine will be pursuant to K.S.A. 2007 Supp. 20-350, as are all other fines, or whether the disposition of the fine will be as provided in HB 2136. This would also mean that clerks will not have to separately account for these funds because their distribution differs from that of other fines.

With this amendment, the disposition of all fines for seat belt violations would be pursuant to K.S.A. 2007 Supp. 20-350, a copy of which is attached. The distribution would be 11.99% to the Crime Victims Compensation Fund, 2.45% to the Crime Victims Assistance Fund, 2.01% to the Community Alcoholism and Intoxication Programs Fund, 2.01% to the Department of Corrections Alcohol and Drug Abuse Treatment Fund, and 0.17% to the Boating Fee Fund, with the balance credited to the State General Fund.

If you desire that money be credited to the EMS Revolving Fund, the Trauma Fund, and the Traffic Records Enhancement Fund, this could be accomplished in two ways. Each of these funds could receive a percentage split of the total amount collected for fines, as do the Crime Victims Compensation Fund and the other funds noted in the paragraph above. If you could specify an amount to be allocated to those funds, the appropriate percentage split could be calculated and provided to you. The other method in which new or additional revenue could be generated for these funds is to seek funding from the State General Fund. As noted in the paragraph above, the majority of money collected from all fines is deposited in the State General Fund.

Thank you for the opportunity to appear today.

House Transportation
Date: 2-14-07
Attachment # 10

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74-7336

Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES

Article 73.--CRIME VICTIMS COMPENSATION BOARD

74-7336. Disposition of district court fines, penalties and forfeitures. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit 11.99% to the crime victims compensation fund, 2.45% to the crime victims assistance fund, 2.01% to the community alcoholism and intoxication programs fund, 2.01% to the department of corrections alcohol and drug abuse treatment fund and 0.17% to the boating fee fund. The remainder of the remittances shall be credited to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

History: L. 1989, ch. 239, § 31; L. 1995, ch. 243, § 8; L. 2001, ch. 200, § 18; L. 2001, ch. 211, § 17; L. 2004, ch. 125, § 6; L. 2006, ch. 85, § 17; Jan. 1, 2007.

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20-350

Chapter 20.--COURTS

Article 3.--DISTRICT COURTS

20-350. Disposition of money received by clerk; investment of moneys held; disposition of interest. (a) Except for fines and penalties authorized to be paid to counties pursuant to K.S.A. 19-101e, and amendments thereto, and subsection (b), and amendments thereto, all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto, or K.S.A. 8-1345, and amendments thereto.

(b) Except as provided by K.S.A. 2006 Supp. 20-368, and amendments thereto, all moneys received by the clerk of the district court from the payment of bail forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit equal portions of such remittance to the indigents' defense services fund and the state general fund.

(c) The chief judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402, and amendments thereto; (2) United States treasury bills or notes with maturities not to exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the chief judge may invest such moneys in the same manner as provided by subsection (c). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.

History: L. 1976, ch. 146, § 45; L. 1977, ch. 109, § 16; L. 1978, ch. 108, § 9; L. 1981, ch. 134, § 1; L. 1989, ch. 239, § 2; L. 1990, ch. 94, § 1; L. 1998, ch. 52, § 4; L. 1999, ch.