

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 20, 2007 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Mike Corrigan, Revisors of Statutes
Maggie Breen, Committee Assistant

Conferees appearing before the committee:

Janette Fennell, Kids and Cars
Dr. Dennis Cooley, Kansas Chapter American Association of Pediatrics
Ed Klumpp, Kansas Association of Chiefs of Police
Lori Haskett, KDHE
Dr. Jeffrey Colvin, Safe Kids Kansas
Phyllis Larimore, Mercy Hospital

Others attending:

See attached list.

Chairman Donovan opened the hearing on **SB 77--Unattended and unsupervised children in motor vehicles safety act.**

Proponents:

Janette Fennell, Kids and Cars, is dedicated to eliminating the common practice of children being left unattended in or around motor vehicles. Children are dying in Kansas because of this practice. She told of a child who was strangled to death by a power window, the mother being unaware that this was even possible as there were no warnings. The law is need to raise public awareness of the dangers involved. (Attachment 1) She showed a number of Public Service Announcements.

Dr. Dennis Cooley, Kansas Chapter American Association of Pediatrics, supports **SB 77**. Children left in vehicles unattended are subject to many dangers. In a study covering 2000 and 2001, there were approximately 9,000 injuries and 78 deaths. Of the 78 deaths, most were due to hyperthermia which can occur within a very short period of time. A recent study showed that 1 in 3 persons admitted to leaving a child under 6 alone in a car. Educational and law enforcement elements are needed. The bill provides both. (Attachment 2)

Lori Haskett, Director of Injury Prevention Program KDHE, stated the injures and deaths we're looking at are completely preventable. Excessive heat exposure was the most common cause of death. When the outside temperature is 80 degrees, the temperature inside can reach 110 degrees within 5 minutes. And when the temperature ranges from 72 to 96 degrees it will raise about 40 degrees within the vehicle. (Attachment 3)

Ed Klumpp, Kansas Association of Chiefs of Police, presented the written testimony of Ken Parker who was unable to attend. It related two incidents Ken was familiar with where children died in cars after being left unattended. One involved excessive heat and the other involved a vehicle rolling into a body of water and the child drowning. Ed asked that the bill be passed so that law enforcement would have a low level enforcement tool with a fine. He mentioned that in some cases the cars are stolen and driven away with the child in them. In other cases the driver thinks they leave the car in park yet it rolls out into the roadway. The only thing he would point out, that would be a slight improvement, is if the committee would consider putting in language that would release the officer from any liability for any reasonable damage incurred when following page 1, line 36, section (f). (Attachment 4)

Dr. Jeffrey Colvin, Safe Kids Kansas, said he was in agreement with the previous conferees and chose to put a little bit different face on the danger. It's extremely dangerous to the child involved; but sometimes it's also dangerous to others. The committee was provided with written testimony from Mr. Terrell Stratman who was with his family in the park. Unknown to him, there was a van in a nearby parking lot with 2 unattended children in it. One of the children put the car in drive and it rolled down a hill, sped up, and hit

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 20, 2007 in Room 527-S of the Capitol.

Mr. Stratman's wife and Harrison, his 2 year old son. The wife is still recovering from her injuries but Harrison was pronounced dead later that evening. So, it's really a public danger. Please support **SB 77**. (Attachment 5)

Phyllis Larimore, nurse at Mercy Hospital, said she can't tell the committee the hospital has seen a lot of children injured because of being unattended. She can tell the committee that it happens. She says she notices children being left alone in cars. She wants to assure the committee that Children's Mercy Hospital stands behind the bill. (Attachment 6)

KDOT, Written Only (Attachment 7)

Kansas Child Death Review Board, Written Only (Attachment 8)

Kansas PTA, Written Only (Attachment 9)

AAA, Written Only (Attachment 10)

Kids in Cars, Written Only (Attachment 11)

Kansas Highway Patrol, Written Only (Attachment 12)

Advocates for Highway and Auto Safety (Attachment 13)

Chairman Donovan closed the hearing on **SB 77** and worked the following bills:

SB 210--County treasurers shall be deemed agents of the state for certain purposes.

SB 211--Safety belts, primary enforcement for occupants under 18 years of age.

SB 294--Drivers' licenses, age requirements.

SB 210:

Senator Wilson presented an amendment to **SB 210** deleting the text on page 5, starting with the last word on line 2 (Any) through line 7 and replaced it with the words "When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas." The amendment contained compromised language agreed to by Steve Kearney and Carmen Alldritt and was in lieu of the amendment presented by Carmen Alldritt on February 14. (Attachment 14)

Senator Wilson make a motion to approve the amendment. Senator Schmidt seconded the motion. The motion carried. Senator Wilson made a motion to pass SB 210 as amended favorable for passage. Senator Palmer seconded the motion. The motion carried. Senator Wilson would carry the bill.

SB 211:

Senator Schmidt made a motion to raise the fine from \$10 to \$60. Senator Hensley seconded the motion. The motion failed.

Senator Schmidt made a motion to pass SB 211 as written out favorable for passage. Senator Petersen seconded the motion. The motion carried. Senator Schmidt would carry the bill.

SB 294:

Senator Journey made a motion to pass SB 294 out favorable. Senator Apple seconded the motion. The motion carried. Senator Journey will carry the bill.

The meeting adjourned at 9:24 a.m. The next meeting is scheduled for February 21, 2007.

**SENATE TRANSPORTATION COMMITTEE
GUEST LIST**

DATE: February 20, 2007

NAME	REPRESENTING
Carmen Aldritt	KDOR
LORI HASKETT	KDHE
Bral Sweet	Coparts
Doc Wight	Farmer's Ins.
Ed Kump	Ks Assoc. of Cities & Police
Jeffrey Olson	Safe Kids KS
Dennis Cooley MD	Ks Chapter Acad Pediatric's
Tanner Lucas	KFB
Ken Gudenkauf	KDOT
Janette Fennell	KIDS AND CARS
Jan Stigelman	Safe Kids Kansas
ART WILBURN	KHP
EDNA BUTTLER	KHP
Phyllis Lavimore	Children's Mercy Hospital



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

TO: Honorable Chairman Donovan and Members of the
Transportation Committee

FROM: Janette E. Fennell
President, KIDS AND CARS

DATE: February 20, 2006, 8:30 a.m.

SUBJECT: **SUPPORT** of SB 77

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 SB 77 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. An example of how to view this law is thinking about how law enforcement officers currently issue traffic tickets. If every time you were caught speeding an officer simply gave you a 'scolding' it certainly would not do too much to stop people from speeding. On the other hand, if any time you got caught speeding your driver's license was taken away, people would be outraged. Without a specific law like HB356, the only choices would be the 'scolding' or taking your children away. This new law enables 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 29 children died from hyperthermia or heat stroke after being left in hot cars, many times by caring, loving parents who inadvertently left the child inside the car. From 1998 through 2006 in the US, at least 320 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 helped 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.

SB 77 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. SB 77 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 have been left alone in a vehicle.

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

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

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

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

coalitions to increase participation of a wide array of groups in public policy initiatives which advance highway and auto safety. Advocates strongly supports SB 77.

It is time for Kansas to take effective, reasonable steps to prevent child injuries and deaths from this most preventable life safety risk. SB 77 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 SB 77.

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.



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TESTIMONY FOR SENATE BILL 77

Senate Transportation 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 Senate Bill 77.

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.

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. A recent study found that one in three adults admitted leaving a child under 6 years of age lone in a car. 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 Senate Bill 77.

Thank You



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

Testimony on SB 77

To

Committee on Transportation

By Lori Haskett
Director, Injury Prevention
Office of Health Promotion

February 20, 2007

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 Senate Bill 77, which proposes to enact the unattended and unsupervised children in motor vehicles safety act in Kansas.

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. In addition to the effect of excessive heat, leaving children unattended in vehicles puts them at risk for other harm, such as thermal burns from buckles, injury from the child's putting the car in motion, strangulation from power windows, and abduction.¹

Excessive exposure to heat is the most common cause of death to children locked inside a motor vehicle. When the outside temperature is 80° F, the temperature inside a car receiving direct sunlight can reach 110° F after only 5 minutes.¹ 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

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

about 40°F. The study also points out that “cracking” the windows did not affect the final temperature in the vehicle.² When a person’s body temperature reaches 106° F, he or she can die or suffer permanent disability from heat stroke.³ Children are more vulnerable than adults to changes in body temperature. Studies have shown that children experience an almost instantaneous increase in body temperature due to their smaller body sizes and lower thermoregulatory capability when subjected to increase in the air temperature.⁵

We are all painfully aware of instances where unattended children have died due to being left in an unattended vehicle. Just this past year the Wichita Eagle reported that a 2 year old died after his 6 year brother put the car in reverse while their parent was sleeping. According to the Topeka Capital Journal, a 2 year old died of heat after he was left in the family minivan in the driveway. In the Kansas City area, a one year old was left in a running vehicle while his mother went shopping. The vehicle slipped out of gear and crashed into another vehicle.

Unattended children in cars are 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 SB 77. I will be happy to answer any questions you might have.

² McLaren C et al:Pediatrics, July, 2005, electronic edition, pages e109-e112

⁵ Tsuzuki-Hayakawa, K., Tochiara, Y., & Ohnaka, T. (1995). Thermoregulation during heat exposure of young children compared to their mothers. Retrieved February 16, 2007 from <http://www.springerlink.com/content/1736g567p7731912/>

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

WRITTEN TESTIMONY TO THE SENATE TRANSPORTATION
COMMITTEE
REFERENCE SB77

On behalf of the
Kansas Association of Chiefs of Police

February 20, 2007

On behalf of the Kansas Association of Chiefs of Police I would like to introduce testimony regarding SB77.

The issue of children being left alone in an unattended vehicle is one that is frequently faced by law enforcement officers. The majority of the times that officers respond, it turns out to be a situation that has not progressed to the point of injury to the child. This however, is not always the case. In 1999 I served as a Police Chief in NW Arkansas. Our department was dispatched to a medical emergency involving not one, but two infants that were left unattended in a vehicle while the two fathers were out looking for the means to acquire drugs.

When my officers arrived at the scene they witnessed the infants, both dead, in what I will only describe as one of the most horrific and disturbing scenes that any officer and parent can imagine. The amount of suffering that these babies endured was immediately evident and will forever remain with the officers and paramedics that responded to the call. I can not begin to impress upon you, the emotional impact that this scene had on these professionals.

In the same city approximately three years later, a mother left her infant in the car seat while she unloaded groceries from her vehicle. The vehicle was located in front of her apartment and was on an incline leading to a pond. The vehicle rolled backwards and into the pond. The child in this incident was still strapped in his car seat when his body was recovered.

It is important that police officers have the minimum enforcement capacity of issuing a citation to make the parents or guardians aware of the responsibility to protect children. Often, for the sake of the convenience of the moment parents leave a child unattended in a vehicle. Sometimes a moment is all it takes to lead to severe, irreversible and unintended consequences.

If the concern over receiving an inconvenient citation and small fine will allow just one child to be saved, then I ask with the utmost sincerity that you vote today to move forward with this bill. Let us allow our officers the ability to assist in protecting children, for there is no greater gift that we can give a child.

Ken Parker
Chief of Police
Independence, KS
(620) 332-1700

*Testimony presented
by Ed Klumpp, Ks
Assn. of Chiefs of Police*



February 20, 2007

**Testimony Presented to the
Senate Transportation Committee
Senate Bill 77**

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 SB 77, 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.

Safe Kids has implemented a number of education initiatives to address this issue, including the Never Leave Your Child Alone program, created in partnership with General Motors and 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. Our newest program is the Spot the Tot program which educates parents on this issue at events held across the state by our local coalitions and chapters. The education requirement in SB77 will allow for additional parent education on this critical issue. KDOT will be able to provide this component utilizing federal safety funding.

In a survey conducted by Safe Kids Worldwide 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. A Harris Poll recently found that 1 in 3 adults with a child under age 12 in the household reported leaving a child alone in a vehicle. Many parents underestimate the effects of leaving their child alone in a parked car. They think that their child will be safe while they run into a store for "just a minute".

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

- Even in mild weather the interior of a parked car, even with the windows cracked, can rise to dangerous temperatures in just a few minutes. Studies show that at 80 degrees outside, a lethal vehicle temperature of 105 degrees or greater is reached in less than 20 minutes; at 88 degrees, lethal temperature is reached in less than 10 minutes. A small child's body temperature can increase three to five times as fast as an adult's. The resulting heat-related illness can cause permanent organ damage or death.
- Children can be strangled by power windows
- Children can set the vehicle in motion – hurting themselves and others
- 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

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 Kids And Cars organization has been tracking incidents through newspaper accounts. They found newspaper accounts of at least 32 incidents of children left in cars in Kansas in the last ten years, of which 13 resulted in a fatality which resulted in injury or death to a child. These accounts are documented only because they “made the paper” (usually injury or death of child), which by its nature vastly underestimates the magnitude of the problem.

Sadly, these tragedies are completely preventable, but safety tips and public awareness programs are not enough. State laws and local ordinances prohibiting leaving children alone in vehicles are not rare. Eleven states now have laws; federal regulations prohibit leaving children under age 10 alone in vehicles on federal military installations. In Kansas, childcare and foster care providers are prohibited from leaving children alone via state regulations. These types of prohibitions complement educational efforts and go a long way toward keeping kids safe.

SB77 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. While the proposed fine of \$25 for a first offense may seem low (the bill is intended to be preventative rather than punitive), it does let the parent know that leaving the child unattended is unacceptable. Having a law against it will also encourage more adults to contact law enforcement when they see a child alone in a vehicle. Please note that the bill does not preclude the prosecution of the parent under child endangerment statutes.

The member organizations of Safe Kids Kansas and our 37 local coalitions and chapters strongly support the passage of SB77 to provide an incentive to prevent injuries as well as provide a means of educating the public about the grave dangers associated with leaving a child alone in a vehicle.

Testimony Presented by:
Jeffrey Colvin, M.D., J.D.
Safe Kids Kansas

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

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, Coffey, Dickinson, Doniphan, Douglas, Ellis, Finney, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, McPherson, 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

Safe Kids Kansas Member Organizations

AAA Kansas
American Academy of Pediatrics - KS
Attorney General of Kansas
Board of Emergency Medical Services
Brain Injury Association of Kansas
Children's Mercy Hospital
Cusick Jost Consulting, LLC
Dillon Stores
Fire Education Association of Kansas
Fire Marshal's Association of Kansas
Kansas Academy of Family Practice Physicians
Kansas Action for Children
Kansas Association of Counties
Kansas Assoc. of Local Health Dept.
Kansas Assoc. of Osteopathic Medicine
Kansas Association of School Boards
Kansas Chapter International Assoc.
of Arson Investigators
Kansas Children's Cabinet & Trust Fund
Kansas Chiropractic Association
Kansas Cooperative Extension 4-H
Kansas Dental Association
Kansas Dept. of Health & Environment
Kansas Dept. of Human Resources
Kansas Dept. of Transportation
Kansas District of Kiwanis International
Kansas EMS Association
Kansas Emergency Nurses Association
Kansas Farm Bureau
Kansas Foundation For Medical Care
Kansas Head Start Association
Kansas Healthy Start Home Visitors
Kansas Highway Patrol
Kansas Hospital Association
Kansas Insurance Department
Kansas MADD
Kansas Medical Society
Kansas Motor Carriers Association
Kansas Operation Lifesaver
Kansas Parent Teacher Association
Kansas Public Health Association

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

*Membership also includes Local Coalitions and Chapters located in Allen, Anderson, Atchison, Clay, Coffey, Dickinson, Doniphan, Douglas, Ellis, Finney, Ford, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Marion, McPherson, 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, a global network of organizations whose mission is to prevent accidental childhood injury.

1/07

1000 SW Jackson Suite 230 Topeka, KS 66612 tel 785-296-1223 fax 785-296-8645
www.safekids.org www.kansassafekids.org



Support SB 77 Unattended and Unsupervised Children In Motor Vehicle Safety Act

SB 77 makes it unlawful to leave a child 8 years or younger alone in a motor vehicle unless they are accompanied by another person 13 years of age or older.

- There is a fine of \$25 for a first offense (an unclassified misdemeanor) and a fine of at least \$250; but not more than \$500 for a second conviction within 3 years of a prior conviction (a class C misdemeanor)
- A public education program will be developed to increase awareness about the dangers of leaving children and unsupervised in motor vehicles. Federal safety funds are available to pay for the education program
- The bill does not preclude prosecution under child endangerment laws.

We know the problem:

In recent Harris poll, 1 in 3 adults with a child under the age of 12 in the household reported leaving a child alone in a vehicle.

In a survey conducted by Safe Kids Worldwide a few years ago, one in five parents between the ages of 18 and 24 felt that it was acceptable to leave a young child unattended in a vehicle.

- Children can suffer heatstroke: When the outside temperature exceeds 80° F, a potentially lethal vehicle temperature of 105° F or greater is reached in less than 20 minutes, at 88° F, lethal temperature is reached in less than 10 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 seat belts or other items in the car
- Children can die from carbon monoxide poisoning

Did You Know?

Childcare providers in Kansas are prohibited from leaving a child alone in a motor vehicle by state regulation. All Kansas children need this protection.

We have the answer:

SB 77 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.

If there is a specific law against it, Kansas citizens will be more likely to notice and report children left alone, thus saving innocent lives.

It is time for Kansas to take effective, reasonable steps to prevent child injuries and deaths from this most preventable life safety risk.



February 20, 2007

Kansas House Transportation Committee
Written Testimony for SB77. Unattended and Unsupervised Children in Motor Vehicle Safety Act

Dear Chairman Hazlett and Members of the House Transportation Committee

Thank you for the opportunity to speak in support of SB77. Children's Mercy Hospital supports this legislation as it will prohibit leaving young children alone in a motor vehicle. Kansas already has laws making it illegal to leave an animal alone in any place without making provisions for its proper care. Are children less valued than a family pet? Young children are dependent upon their care providers in much the same way as their pet.

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

When talking to parents, we find that well-meaning parents and caregivers are often not aware of the potentially deadly consequences of leaving children unattended in or around cars. KIDS AND CARS research indicates that the practice of leaving children unattended in cars, often for a short period of time, takes place thousands of times every day. The parents and caregivers believe that for the short periods that they run errands, for example, their children are safe while they run into the convenience store. Or just pop into the grocery for bread and milk. However, their decision may result in a tragic and possibly fatal consequence. Children's Mercy Hospitals & Clinics supports a legislation that will protect children and an educational campaign focusing on parents and caregivers to not take the risk. in leaving children left unattended in and around motor vehicles.

This bill offers a "reasonable" approach to the situation that puts children at risk, to address the need of prevention and education of the dangers of such practice. SB77 will provide both the monetary incentive to prevent injuries as well as provide a means of educating the public about the grave dangers associated with leaving a child alone in a vehicle.

In conclusion, Children's Mercy Hospitals & Clinics along with Safe Kids, KIDS AND CARS and other safety advocates support Senate Bill 77. Thank you for considering the safety of our children.

Phyllis Lanimone RN, BSN

12060 South Walnut
Olathe, KS 66061
Child Passenger Safety Instructor
Car Seat Program Coordinator
Children's Mercy Hospitals & Clinics
2401 Gillham Road
Kansas City, MO 64108-4619
816-234-1607

Senate Transportation Committee
2-20-07
Attachment 6

**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE**

**REGARDING SENATE BILL 77
UNATTENDED AND UNSUPERVISED CHILDREN IN MOTOR VEHICLES SAFETY ACT
February 20, 2007**

Mr. Chairman and Committee Members:

The Kansas Department of Transportation (KDOT) is providing written testimony in support of Senate Bill 77, 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; and sets forth penalties for 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 would require KDOT to develop a public education program and provide information for law enforcement officers to distribute. The estimated cost to develop the campaign and provide materials would be approximately \$15,000. KDOT would be able to absorb these costs by utilizing federal safety funds.

KDOT supports passage of this safety legislation. If you have any questions, please contact Pete Bodyk, Chief of the Bureau of Traffic Safety at (785) 296-3756.

KANSAS STATE CHILD DEATH REVIEW BOARD'S TESTIMONY IN SUPPORT OF SB 77

February 20, 2007

The State Child Death Review Board (SCDRB) recommends the passage of SB 77.

The Board firmly holds the position that there is no substitute for supervision, especially when it involves children and vehicles. On a yearly basis, the Board finds itself reviewing cases of children who were left unattended in a vehicle, which resulted in their untimely death. Most often the deaths take place within minutes from when the child was first left alone, and usually occur from one of following:

- ✓ Hypothermia
- ✓ Hyperthermia
- ✓ Strangulation from a car seatbelt
- ✓ Strangulation from an automatic power window
- ✓ A motor vehicle crash from the child putting the vehicle in gear

The deaths are always preventable.

A significant risk to the child's health or safety when left unattended in a vehicle is a car-jacking or theft. The days of leaving the vehicle running to run into a convenience mart are a thing of the past. Unlocked and running vehicles are at a high risk of being stolen for joy rides or to be used in the commission of another crime. If a child is in the vehicle when the thief takes control, the outcome is most often tragic. Unattended children could also become locked in the trunk compartment and suffocate, while a frantic parent searches the surrounding area for the missing child. In addition, a child left alone in a vehicle could become ill from exhaust fumes.

It is the Board's belief that the stipulations put forth in SB 77 will curb the neglectful behavior of leaving a child unattended in a vehicle. Further, the bill allows an additional avenue for child protection by law enforcement officials, resulting in a safer environment for Kansas children.

It is always dangerous to leave a child unattended in a vehicle. An unattended and unsupervised child has a high-risk of becoming a Kansas fatality statistic. Let's help prevent such tragedy; we encourage the passage of SB 77.



Senate Transportation Committee
2-20-07
Attachment 8



everychild.one voice.

**Written Testimony Re: SB 77
Unattended and Unsupervised Children in Motor Vehicle Safety Act
Senate Transportation Committee
February 20, 2007 8:30 a.m.**

Honorable Chairman and Members of the Committee:

For more than 90 years, Kansas PTA has been advocating on behalf of all children. We have nearly 33,000 members from across Kansas – all volunteers.

The Kansas PTA adopted a resolution in 2006 regarding unattended children in and around motor vehicles. 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. Kansas PTA will also work with its units and councils to educate the public about the dangers related to leaving children unattended in and around vehicles.

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. SB 77 gives law enforcement officers a much needed tool. We ask for your support of SB 77. Your action will help save the lives of innocent children.

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in cursive script 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
2-20-07
Attachment 9



TESTIMONY, SB 77

Presented by James R. Hanni,

Executive Vice President, Kansas Region & Public Affairs, AAA Allied Group

February 20, 2006

Senate Transportation Committee

AAA supports SB 77, which addresses the problem in Kansas of leaving children unattended in motor vehicles. We all know that deaths in motor vehicles are the overwhelming number one killer of children. However, only nine out of ten vehicle-related child fatalities result from crashes on public streets and highways.

This bill addresses the other ten percent. Specifically, in Kansas the last ten years, 1997 through 2006, we have been able to account for 32 incidents of children left alone in vehicles, 13 of which resulted in the death of the child. We know there are more cases undocumented.

The types of injuries that can result from adults not attending to youngsters include:

- Vehicle backover
- Trunk entrapment
- Hyperthermia
- Getting caught in power windows
- Inadvertently putting the vehicle in motion by moving the shift lever.

More new vehicles today have technologies to reduce the chance of trunk entrapment, power window injuries and inadvertently moving the shift lever. However, many older vehicles are not equipped with these technologies and effective technologies to reduce hyperthermia and backover accidents have yet to be developed. At least eleven states, including Nebraska and Missouri, have laws against leaving children unattended in vehicles and at least 14 other states, including Oklahoma and Iowa, are considering similar proposals.

Unattended child injuries and death appear to be directly related to supervision. SB 77 positively addresses this issue and will act, we believe, as a deterrent more than a punishment and reduce the number of unattended incidents in Kansas. If we save one life or prevent serious injury and suffering for one child and their family in Kansas, this will be a productive measure.

AAA urges your support of this important safety measure. A favorable vote is a vote to save lives of the helpless and the most vulnerable among us.

Kids In Cars



P.O. Box 1459 · Washington, MO 63090
Phone: 636-390-8268 · Fax: 636-390-9412
contactus@kidsincars.org
www.kidsincars.org

TO: Senate Transportation Committee

FROM: Terrill Struttmann
Executive Director
Kids in Cars

DATE: February 14, 2007

SUBJECT: Support of SB 77 - Unattended Children in Cars Bill

TEXT OF TESTIMONY

Dear Senators:

I am writing today to encourage your support of SB 77. This bill would make it unlawful to leave a child 8 years or younger alone in a motor vehicle unless they are accompanied by another person 13 years of age.

Each year a significant number of children are left unattended in vehicles. Most people think that nothing bad can happen, but it is a risk that is greatly underestimated. Risks can and do include abduction, heat stroke, setting a vehicle in motion, strangulation from power accessories and even fatal car crashes.

Unfortunately, I am an expert on this issue. On May 30, 1998, my wife, Michele, and our two-year-old son Harrison, were spending the day at Harrison's favorite riverfront park. They were seated on a park bench watching boats on the Missouri River. In the parking lot behind them, two children, ages two and three, had been left unattended inside a van with the motor running. One of the children made his way to the driver's seat and was pretending to drive. He accidentally shifted the van into drive, which sent the vehicle on a direct path toward the park bench occupied by Michele and Harrison. When Michele realized a van was headed towards them in the middle of a park, she lunged for Harrison, but there was not enough time for them to get out of the van's path. They were both hit by the van careening toward them. Our son Harrison died later that evening and my wife is still recovering from her physical injuries.

Since then, my wife and I have formed Kids In Cars. We are dedicated to preventing similar tragedies. For more information regarding this serious safety issue and our organization, please visit our website at www.kidsincars.org.

SB 77 will improve the safety of children in Kansas. This legislation is not intended to be punitive - but rather, it aims to educate well-meaning parents and caregivers who are not aware of the deadly consequences of such action. Kids In Cars urges you to protect the children of Kansas and support SB 77.

Sincerely,

A handwritten signature in black ink that reads "Terrill Struttman". The signature is written in a cursive style with a long horizontal flourish at the end.

Terrill Struttman
Executive Director
Kids In Cars



K A N S A S

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

Kansas Highway Patrol Summary of Testimony

2006 Senate Bill 77

Senate Transportation Committee

February 20, 2007

The Kansas Highway Patrol appreciates the opportunity to provide the following written comment on changes set forth in 2007 Senate Bill 77.

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 exhaustion. In the winter weather, a child may suffer from hypothermia. There have been cases reported in Kansas in which a child's curiosity and playfulness, when left alone in a vehicle, resulted in the child's neck being stuck in a window. We also have seen tragedies that occurred after a vehicle was stolen while children were left in the vehicle unattended.

The provisions set forth in SB 77 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 SB 77 will help achieve those goals.

The safety and protection of children are important to the Patrol, and for those reasons, we support SB 77. Again, the Patrol appreciates the opportunity to share our comments with you on this important subject.

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ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

February 16, 2007

The Honorable Leslie Donovan
Senate Transportation Committee
Kansas State Capitol
300 SW 10th Street
Topeka, KS 66612

Dear Chairman Donovan :

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 **Senate Bill 77**, legislation that would upgrade Kansas' child protection standards. This bill's goal is to prevent 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 national nonprofit organization based in Kansas and 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. **Senate Bill 77** provides a more reasonable two-pronged solution. First, it authorizes the use of fines, which increase for repeat offenders. Secondly, the bill 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 **Senate Bill 77**.

Thank you for your consideration.

Sincerely,

Judith Lee Stone, President
Advocates for Highway and Auto Safety
750 First Street NE
Suite 901
Washington, DC 20002
www.saferoads.org

act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

Deleted: Any county treasurer authorized to accept applications for drivers' licenses or administer drivers' license examinations shall be deemed to be acting as an agent of the state of Kansas to the same extent as the employees of the division of vehicles of the department of revenue performing such functions;

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(2) "nonresident" means every person who is not a resident of this state. For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act; and

(3) "patrol" means the state highway patrol.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated shall have the meanings respectively ascribed to them therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) of this section. Sec. 3. K.S.A. 8-234a and K.S.A. 2006 Supp. 8-126 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.