

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on March 2, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Barbara Ballard, excused
Representative Jeff King, excused
Representative Marvin Kleeb, excused
Representative Julie Menghini, excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Kent Biggs, Detective with Topeka Police Department
April Holman, KS Action for Children
Charles Lecher, Johnson County Treasurer

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order. He opened hearings on **SB 367**.

SB 367 - Regulating traffic; enforcement of helmet law for motorcycles

The first proponent was Kent Biggs, a detective with the Topeka Police Department. (Attachment #1) According to Detective Biggs, this bill corrects an unrecognized oversight in the protection of those who can not make decisions for themselves. He said current law prohibits the operation of a motorcycle without wearing a helmet but allows the rider to take a child along without any such protection. This bill would make it a violation of Kansas law to allow or permit any person under the age of 18 to operate or ride on a motorcycle or motorized bicycle without a helmet. Detective Biggs stood for questions.

The next proponent was April Holman, Director of Fiscal Focus, KS Action for Children. (Attachment #2) According to Ms. Holman, there is a loophole in existing law that should be closed by requiring children to wear a helmet when riding on a motorcycle. She said studies conducted by the National Highway Transportation Safety Administration have found that motorcycle helmets prevent injury and saves lives and that head injuries are the leading cause of death from motorcycle accidents. The study showed that a motorcyclist is approximately 37 times more likely to die in a crash than someone riding in a passenger car. Ms. Holman cited a study that was conducted by the University of Southern California concluding that wearing helmets was the single most important factor in surviving motorcycle accidents. She stood for questions.

The Chairman drew the Committee's attention to written testimony provided by James Hanni, AAA Allied Group (Attachment #3) and Ed Klumpp, representing KS Association of Chiefs of Police (Attachment #4) both in support of **SB 367**.

There being no other conferees Chairman Hayzlett closed the hearing on **SB 367** and opened the hearing on **SB 408**.

SB 408 - County treasurers, additional locations for vehicle registrations

The Chairman recognized Charles Lecher, Johnson County Treasurer. (Attachment #5) According to Mr. Lecher this bill would allow county treasurers the option to charge a satellite registration fee of up to \$5 at a satellite registration facility used for motor vehicle registrations. Mr. Lecher said the term "satellite registration facility" is not clearly defined and Johnson County has requested the word "satellite" be removed

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on March 2, 2010, in Room 783 of the Docking State Office Building.

from the existing language and a clear definition of the type of facility that qualified for the additional fee included. He stood for questions.

There were no other proponents and no opponents. Chairman Hayzlett drew the Committee's attention to written testimony provided by Randall Allen, Executive Director of the Kansas Association of Counties, in support of **SB 408**. (Attachment #6)

There being no additional business before the Committee the meeting was adjourned.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 3-2-10

NAME	REPRESENTING
Charles Letcher	Johnson County
Terry Heidner	KDOT
Mark Boranysk	Capitol Strategy
Kyle Smith	KPOA
Jeff Bottenberg	State Farm

House Transportation Committee
Testimony of Detective Kent Biggs
Topeka Police Department
In Support of SB 367

Chairman Hayzlett and Members of the Committee,

My name is Kent Biggs. I am a detective with the Topeka Police Department and have served in military and civilian Law Enforcement for the last 18 plus years in the U.S. Air Force, Mulvane and Topeka, Kansas.

I am here today to testify in support of SB367 and encourage your support for the passage of the bill. This bill corrects an unrecognized oversight in the ever important responsibility we all have in keeping safe those who cannot make decisions for themselves. K.S.A. 8-1598 prohibits the operation of a motorcycle without wearing a helmet but allows the rider to take a child along without any such protection. The children of our state deserve our unwavering dedication to their safety.

My worst nightmare as a first responder and investigator is to arrive at the scene of a crime or motor vehicle accident and see that a child has been involved. This feeling worsens when I find out that someone hasn't done what they should have to protect the child who cannot protect themselves.

Not long ago I found myself behind a motorcycle driving on a Topeka street. I had to look twice and confirm my first observation of a child on the back of the motorcycle not wearing a helmet. I promptly initiated a traffic stop of the motorcycle operator. I returned to my vehicle and started to issue a citation and soon realized that he wasn't violating any law.

Some would say that it is only common sense to require the operator of a motorcycle to make sure the child was wearing a helmet. After all when they are inside of a vehicle surrounded by steel and airbags they are required to be buckled in.

When common sense isn't used accidents and tragedies occur. SB367 is common sense legislation. Many times law enforcement and families of victims come before you and ask for laws to be passed in order to keep anyone else from having to be a victim. The good thing about SB367 is that it will not have a victim's name attached to it. This legislation will take place without a tragedy having to have happened in order to get passed.

Thank you for your time today, your service to our great state and most of all your dedication to the safety of our children. I would be happy to answer any questions.

House Transportation
Date: 3-2-10
Attachment # 1

March 2, 2010

To: House Transportation Committee
From: April Holman, Director of Fiscal Focus

Re: SB 367

Kansas has made significant progress in child passenger safety

For years, Kansas lagged behind most other states when it comes to child passenger safety. But after more than a decade of work on the part of policymakers and advocates, Kansas is now at the forefront with comprehensive child passenger policies including booster seat legislation, primary enforcement of teen seat belt usage, and graduated drivers licensing. Unfortunately, it has come to our attention that we have a loophole in the existing law that requires children to wear a helmet when riding on a motorcycle, a loophole that it makes sense to close this year.

Data-based policy

Numerous studies have found that motorcycle helmets prevent injury and save lives. According to studies conducted by the National Highway Transportation Safety Administration, head injuries are the leading cause of death from motorcycle accidents. A 2006 study found that, per miles traveled, a motorcyclist is approximately 37 times more likely to die in a crash than someone riding in a passenger car. A study conducted by the University of Southern California concluded that wearing helmets was the single most important factor in surviving motorcycle accidents.

Clean-up needed on original bill

The policy requiring motorcycle helmet use for children under age 18 is not enforceable as originally intended. As the law currently stands, adults operating a motorcycle cannot be held accountable if a child passenger on the motorcycle is not wearing a helmet. In order for this law to fulfill its purpose preventing brain injuries and saving children's lives, law enforcement should have the ability to enforce this policy as intended and hold persons accountable. For this reason, Kansas Action for Children stands in support of SB 367.

House Transportation
Date: 3-2-10
Attachment # 2

Kansas Action for Children Inc.
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A Member of Voices
for America's Children



TESTIMONY, SB 367
Presented by James R. Hanni,
Executive Vice President, AAA Allied Group
March 2, 2010
House Transportation Committee

AAA is pleased to support this bill which strengthens our under-18 motorcycle helmet law so that no person shall allow or permit any person under 18 to operate a motorcycle or motorized bicycle or to ride as a passenger without wearing a helmet.

In 2008, about 5,300 motorcycle riders were killed and 96,000 injured, an 11 percent increase. Studies from NHTSA show that fatality rates are exceeding increases in vehicle miles traveled (VMT) and motorcycle registrations. Motorcyclists are highly overrepresented in traffic fatalities, representing 14 percent of total traffic fatalities, but only 3 percent of all registered vehicles and accounted for only .4 percent of VMT. They are 37 percent more likely to die in a crash than a passenger vehicle occupant.

Moreover, eight out of ten people believe their state should have an ALL-rider helmet law, and NHTSA estimates that that those helmets used saved the lives of over 1,800 motorcyclists in 2008 and another 823 could have been saved if all motorcyclists had worn helmets that year. In states that have all-rider helmet laws, use is nearly 100 percent. While helmets will not prevent crashes from occurring, they have clearly proven to have a significant, positive impact on preventing head and brain injuries during crashes.

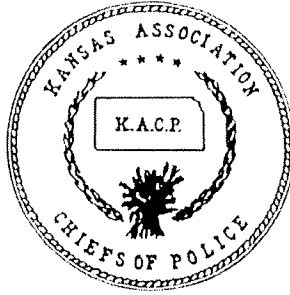
During 2008, Kansas incurred 45 fatalities from motorcycle/motor scooter accidents while 991 were injured from 1,212 accidents. What's disturbing is that the number of accidents, injuries and fatalities has been on a steady rise over the last ten years. In 1999 there were only 16 fatalities and 557 injuries from 669 motorcycle/motor scooter accidents.

The growing number of motorcycles on Kansas roads, partially in response to higher gas prices is a big reason for this increase, which is likely to continue. Over 85 percent of all motorcycle accidents are either injury or fatal in Kansas, compared to 15 per cent that are fatal or injury among *all* Kansas accidents.

Helmet laws are the most effective countermeasure to prevent motorcycle rider fatalities and those states that have chosen them have experienced significant reductions in their Medicaid costs and total hospital charges for treatment of motorcycle riders. NHTSA estimated \$13.2 billion was saved from 1984 to 1999 because of helmet use and an additional \$11.1 billion could have been saved if all motorcyclists had worn helmets.

Although this bill only addresses the under 18 population and adds a provision to protect passengers with helmets, it is a positive safety measure and we are pleased to support it. We strongly encourage the adoption of a helmet law that protects all users, though, especially in light of the growing number of motorcycles on our Kansas roads and the corresponding growth in the number of accidents, injuries and fatalities which take both a human and financial toll.

House Transportation
Date: 3-2-10
Attachment # 3



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Marysville Police Dept.

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Beloit Police Dept.

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Sean Wallace
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James Braun
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Hays Police Dept.

Vernon Ralston
Region VI
St. John Police Dept.

**TESTIMONY TO THE HOUSE TRANSPORTATION COMMITTEE
IN SUPPORT OF SB367
Amendments to the Existing Motorcycle Helmet Law**

March 2, 2010

Chairman Hayzlett and Committee Members,

The Kansas Association of Chiefs of Police supports the amendments to KSA 8-1598 as provided in SB367 adding the provision of making it unlawful to allow or permit a person under the age of 18 to operate or ride as a passenger on a motorcycle or motorized bicycle without a helmet. These provisions are found in Section 1, subsection (b)(1) on lines 22-25 on page 1 of the bill.

We are not opposed to the provision in subsection (b)(2) located on lines 25-27 and lines 34-37 on page 1 of the bill relating to eye protection for those under 18 riding as a passenger on a motorcycle. This seems to make sense to protect the vision of these young persons. However, our primary concern is with the provisions for better enforcement of children under 18 without a helmet.

In regards to helmets, passing this bill will not require anyone to wear a helmet that is not already required to do so under current law. What this bill accomplishes is to make enforcement of the existing law as it pertains to passengers under the age of 18 more practical. Many times the passengers are very young and citing them for the violation is either impractical or even not legally possible. Under current law only the person under 18 can be cited when they do not wear a helmet. If this bill passes, an officer could cite the operator of the motorcycle or motorized bicycle for allowing the person to ride without a helmet.

Passing this bill enhances the protection of the safety of our youth. We strongly encourage the committee to recommend SB367 favorable to pass.

Ed Klumpp
Legislative Committee Chair
eklumpp@cox.net
(785)640-1102

House Transportation
Date: 3-2-10
Attachment # 4



JOHNSON COUNTY TREASURER

Olathe, Kansas

TESTIMONY

Committee on Transportation

Senate Bill No. 408

March 2, 2010

Representative Gary Hayzlett, Chairman and members of the Committee on Transportation, my name is Charles M. Letcher, Treasurer of Johnson County and I thank you for the opportunity to testify on behalf of Johnson County in favor of Senate Bill No. 408. Currently, K.S.A. 8-145d allows county treasurers the option to charge a satellite registration fee of up to \$5 at a satellite registration facility used for motor vehicle registrations, however the term "satellite registration facility" is not clearly defined, leaving the intent of the statute open to interpretation. Johnson County has requested the word "satellite" be removed from the existing language of K.S.A. 8-145d and a clear definition of the type of facility that qualifies for the additional fee included. The additional language would have allowed the fee to be charged at any facility used for motor vehicle registrations provided the county has multiple registration facilities, excluding a registration facility located within the courthouse or the administrative office used as the primary location for Treasurer's operations. The revisions would not have impacted the manner in which other Kansas counties currently conduct their motor vehicle operations. The Senate Committee requested an amendment be added which states, **"...and if a registration facility is not located within such courthouse or such administrative office then at least one of the registration facilities established by the county treasurer shall not charge such registration fee"**. I am requesting the amended language be revised to the following, **"...and if the facility located within such courthouse or such administrative office provides vehicle registration services of any type including, but not limited to, online registrations for the renewal of a motor vehicle then all other registration facilities established by the county treasurer may charge such satellite registration fee"**.

Johnson County does not collect this fee at our motor vehicle facilities at this time, but we are giving consideration to the implementation of this fee in an effort to reduce ad valorem support for our motor vehicle operations. Johnson County has two locations where citizens may register or title their vehicles, and neither is in the Administration Building where the Treasurer's primary office resides. Since no motor vehicle business is done in our primary office, we believe the additional fee could be charged at both of our motor vehicle facilities but the existing language in K.S.A. 8-145d does not clearly state whether this is the intent of the statute. Therefore, we are proposing additional language to clearly define motor vehicle facilities allowed to charge the additional fee.

In conclusion, on behalf of Johnson County Government, I am respectfully requesting that the proposed revisions to language in K.S.A. 8-145d be advanced from this committee for further action. Thank you for your attention and I will be happy to stand for questions.

House Transportation
Date: 3-2-10
Attachment # 5

AN ACT relating to vehicles; concerning the registration thereof; amending K.S.A. 2009 Supp. 8-145d and repealing the existing section.

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

Section 1. K.S.A. 2009 Supp. 8-145d is hereby amended to read as follows: 8-145d. In addition to the annual vehicle registration fees prescribed by K.S.A. 8-143, 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-167, 8-172 and 8-195, and amendments thereto, and K.S.A. 2009 Supp. 8-143l, and amendments thereto, any applicant for vehicle registration or renewal thereof for registration shall pay a service fee in the amount of \$5 to the county treasurer at the time of making such application. In addition to such service fee, the county treasurer may charge any applicant for vehicle registration or renewal thereof for registration, a *satellite* registration fee in an amount not to exceed \$5 per vehicle registration or renewal thereof for registration, when such application is made at a ~~satellite~~

registration facility *in a county with multiple vehicle registration facilities as established by the county treasurer. Such registration fee shall not be charged at a registration facility located within the county courthouse or administrative office used as the primary location for the county treasurer's operations and if a registration the facility is not located within such courthouse or such administrative office provides vehicle registration services of any type including, but not limited to, online registrations for the renewal of a motor vehicle then at least one of the all other registration facilities established by the county treasurer shall not may charge such satellite registration fee.* The county treasurer shall deposit all amounts received under this section in the special fund created pursuant to K.S.A. 8-145, and amendments thereto, and such amounts shall be used by the county treasurer for all purposes for which such fund has been appropriated by law, and such additional amounts are hereby appropriated as other amounts deposited in such fund.

Sec. 2. K.S.A. 2009 Supp. 8-145d is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



KANSAS
ASSOCIATION OF
COUNTIES

WRITTEN TESTIMONY

concerning Senate Bill No.408

re. Vehicle Registration Fees in Non-Courthouse Locations

House Transportation Committee

Submitted by Randall Allen, Executive Director

Kansas Association of Counties

March 2, 2010

Chairman Hayzlett and members of the committee, I appreciate the opportunity to submit written testimony on behalf of our Association *in support of* SB 408, concerning vehicle registration fees in non-Courthouse (or central county administration) facilities.

The intent of this bill is to clarify the authority of county treasurers to charge a \$5 per vehicle registration fee in outlying vehicle registration facilities as established by county treasurers, but not in any registration facility within a county courthouse or county administrative office where the county treasurer's primary offices are housed. The current statute (K.S.A. 8-145d) authorizes such \$5 fee in "satellite" registration facilities without defining what a satellite facility is. As such, we believe that this clean-up legislation is consistent with the legislative intention when the existing statute was enacted several years ago.

While this bill is brought by Johnson County, we understand that there is no adverse impact on the remaining 104 counties. Accordingly, we urge the committee to report this bill favorably for passage. Thank you for receiving this testimony.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Melissa Wangemann by calling (785) 272-2585.

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House Transportation
Date: 3-2-10
Attachment # 6