

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:35 a.m. on January 28, 2010, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the Committee:

Jarrold Forbes, Lobbyist, Polaris Industries
Kent Biggs, Detective, Topeka Police Department
April Holman, Director of Economic Policy, Kansas Action for Children

Others attending:

See attached list.

Bill Introductions

Senator Petersen requested the introduction of a bill that amends graduated drivers licenses. The two proposed changes would allow an exception for driving directly to and from a religious service function and would let a parent, when teaching their student to drive a motorcycle, to be on the same motorcycle if they wish, instead of riding in close proximity. Senator Petersen moved, Senator Apple seconded, to introduce the bill. Motion carried.

Senator Umbarger requested the introduction of a primary seat belt bill. The intent is to have an active primary seat belt bill, if needed later on in the session. Senator Donovan moved, Senator Kultala seconded, to introduce the bill. Motion carried.

Jarrold Forbes, on behalf of Polaris Industries, requested a bill relating to adding definition to the all-terrain vehicle legislation passed last year. Senator Petersen moved, Senator Kultala seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 367 - Regulating traffic; enforcement of helmet law for motorcycles.** Daniel Yoza, staff revisor, reviewed the bill.

Kent Biggs, Detective, Topeka Police Department testified in support of **SB 367.** He indicated that the bill corrects an unrecognized oversight in K.S.A 8-1598 which prohibits anyone under 18 from operating a motorcycle without wearing a helmet but allows the operator to take a child along without wearing any such protection. He noted it is only common sense to require the operator of a motorcycle to make sure the child is wearing a helmet. We all have the responsibility of keeping safe those who cannot make decisions for themselves (Attachment 1).

Senator Petersen asked about addressing eye protection in the bill, as some helmets do not have eye shields. Detective Biggs responded that they had not looked at that but would want to include it in the bill. Chairman Umbarger indicated it would be considered for an amendment.

April Holman, Director of Economic Policy, on behalf of Suzanne Wikle, Director of Health Policy, Kansas Action for Children appeared as a proponent of **SB 367.** She stated that numerous studies have found that motorcycle helmets prevent injury and save lives. The policy requiring motorcycle helmet use for children under age 18 is not enforceable as originally intended. Law enforcement should have the ability to enforce this policy as intended and hold persons accountable. Ms. Holman concluded that it makes sense to close the loophole in the existing law this year (Attachment 2).

CONTINUATION SHEET

Minutes of the Senate Transportation Committee at 8:35 a.m. on January 28, 2010, in Room 152-S of the Capitol.

Written testimony in support of **SB 367** was submitted by:

James R. Hanni, Executive Vice President, AAA Allied Group (Attachment 3)

There being no further conferees, the hearing on **SB 367** was closed.

The meeting was adjourned at 8:50 a.m. The next meeting is scheduled for February 2, 2010.

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

Chairman Umbarger 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 under 18 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.

Senate Transportation
1-28-10
Attachment 1

January 28, 2010

To: Senate Transportation Committee
From: Suzanne Wikle, Director of Health Policy

Re: SB 367

Good morning Chairman Umbarger and members of the committee. My name is Suzanne Wikle and I am the director of health policy at Kansas Action for Children. I am here before you today to stand in support of 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.

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Senate Transportation

1-28-10

Attachment 2



TESTIMONY, SB 367
Presented by James R. Hanni,
Executive Vice President, AAA Allied Group
January 28, 2010
Senate Judiciary 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 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.