

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:35 a.m. on February 9, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Anthony Hensley- excused

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:

Pete Bodyk, Manager Traffic Safety, Kansas Department of Transportation
Dr. Jason Eberhart-Phillips, State Health Officer & Director of Division of Health, Kansas Department of Health & Environment
Major Mark Bruce, Kansas Highway Patrol
Ed Klumpp, Legislative Liaison, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association
Darlene Whitlock, RN, MSN, EMT, Kansas State Nurses Association and Kansas Emergency Nurses Association
Loren McGlade, Chairman, Insurance Industry Committee on Motor Vehicle Administration

Others attending:

See attached list.

The Chairman opened the hearing on **SB 483 - Primary seat belt law**. Bruce Kinzie, staff revisor, reviewed the bill.

Pete Bodyk, Manager Traffic Safety, Kansas Department of Transportation, provided testimony in support of **SB 483**. He stated that currently Kansas seat belt usage rate is 77 percent, which is considerably lower than the 87 percent average rate of states with primary seat belt laws. Two-thirds of the traffic fatalities in Kansas involve people who are not wearing a seat belt. With this law in place, it is projected that 25 lives would be saved and there would be 262 fewer people with serious injuries each year in Kansas. Passage of **SB 483** would make Kansas eligible to receive an additional \$11.2 million under the current federal transportation program SAFETEA-LU (Attachment 1).

Dr. Jason Eberhart-Phillips, State Health Officer & Director of Division of Health, Kansas Department of Health & Environment, appeared as a proponent of the bill. He indicated passage of **SB 483** would result in substantial progress toward meeting Healthy People 2010 goals to increase safety belt usage and to reduce death rates due to motor vehicle crashes. This legislation will cover all occupants in the vehicle, not just the front seat, and will increase the fine from \$30 to \$60 (Attachment 2).

Major Mark Bruce, testified on behalf of Colonel Terry L. Maple and the Kansas Highway Patrol regarding **SB 483**. He stated that the Kansas Highway Patrol supports this bill because it will undoubtedly save lives. He addressed two predominant issues of opposition, the first being such a law would give law enforcement officers a legal excuse to make what would otherwise be an illegal stop; especially as it relates to racial profiling. The law enforcement administrators in this state will not tolerate racial profiling by their officers. The second opposing issue is that many think the decision to wear a seat belt is an individual choice to be made absent government intrusion. Many are affected when an unrestrained vehicle occupant is killed, in addition to insurance premiums and medical costs, which are influenced by traffic fatalities at a cost to all of us (Attachment 3).

Ed Klumpp, Legislative Liaison for the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association spoke in favor of **SB 483**. Their decision to support a primary seat belt law is based on the safety aspect and the prevention of unnecessary death and serious injury. He added that decreasing injuries and deaths from traffic accidents helps law enforcement by reducing officer time

CONTINUATION SHEET

Minutes of the Senate Transportation Committee at 8:35 a.m. on February 9, 2010, in Room 152-S of the Capitol.

required in investigating fatal accidents and reducing officers' exposure to dealing with the physical carnage that can be avoided by the use of seat belts ([Attachment 4](#)).

Darlene Whitlock RN, MSN, EMT, appeared representing the Kansas State Nurses Association (KSNA) and Kansas Emergency Nurses Association (KNEA), as proponents of **SB 483**. She stated a unique aspect has been shown that rural residents have a higher mortality from motor vehicle crashes than urban residents. KSNA and KNEA believe that evidence shows, wearing a seatbelt could reduce these negative outcomes. In this time of critical financial concerns, this legislation might have a monetary impact on health care expenses ([Attachment 5](#)).

Written testimony in support of **SB 483** was submitted by:

Jim Hanni, Executive Vice President of Public Affairs, AAA Kansas Region ([Attachment 6](#))

Cherie Sage, State Director, Safe Kids Kansas ([Attachment 7](#))

Sandy Braden, on behalf of the Alliance of Auto Manufacturers ([Attachment 8](#))

William W Sneed, Legislative Counsel, The State Farm Insurance Companies ([Attachment 9](#))

There being no further conferees, the hearing on **SB 483** was closed.

Informational Presentation on Vehicle Insurance Verification

Loren McGlade, Chairman, Insurance Industry Committee on Motor Vehicle Administration presented information in regard to online insurance verification - using web services to verify auto insurance. He discussed the "Book of Business," noting that updating is usually done on a monthly basis, and each carrier authorized to write insurance in the state submits its entire book of policy information. According to Mr. McGlade, the insurance industry is opposed to daily updates because it takes eight to nine hours to sweep data. They are also concerned about third parties managing the data ([Attachment 10](#)).

The meeting was adjourned at 9:30 a.m. The next meeting is scheduled for February 10, 2010.