

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

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

All members were present except:

Representative Pat George- excused
Representative Jerry Henry- excused

Committee staff present:

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

Conferees appearing before the committee:

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

Others attending:

See attached list.

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

HB 2136 - Primary safety belt law, penalty.

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

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

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

The next proponent was Roderick Bremby, Secretary of Health and Environment. (Attachment #4) Secretary Bremby quoted former Transportation Secretary Norman Mineta as saying, "We are in the midst of a national epidemic. If this many people (45,000) were to die from any one disease in a single year, Americans would demand a vaccine. The irony is we already have the best vaccine available to reduce the death toll on our highways - safety belts." He said passage of **HB 2136** would result in substantial progress toward meeting

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

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

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

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

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

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

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

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

There were no other opponents to speak on this bill.

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

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

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