

MINUTES OF THE HOUSE TRANSPORTATION.

The meeting was called to order by Chairperson Gary Hazylett at 1:30 p.m. on February 20, 2001 in Room 519-S of the Capitol.

All members were present except:

Committee staff present:

Bruce Kinzie, Revisor
Hank Avila, Research
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Jim Keating, Safe Kids Coalition
Trista Beadles, Governor's office
Representative Sue Storm
Corporal Jeff Whistler, Topeka Police Department
Officer Darrin Scott, Topeka Police Department
Jim Yonally, Verizon Wireless
JohnFederico, General Motors
Mike Reece, AT&T
Steve Kearney, Alltel Communications
Nelson Krueger, Western Wireless
Mike Murray, Sprint
Sandy Braden, Cingular Wireless

Others attending:

See attached sheet

Chairman Hayzlett called on Jim Keating, Safe Kids Coalition, to give a report on why Kansas is receiving failing grades when it comes to their child occupant protection laws. Mr. Keating called on Trista Beadles from the Governor's Office to give some background on our current seat belt laws. He then presented statistics showing state ratings by points and grade and how these ratings were assessed. He concluded by giving the standard they feel a law should be modeled after. ([Attachment 1](#))

HB 2440 - restricting use of cellular telephones while driving

Chairman Hayzlett then opened hearings on **HB 2440** and called as the first proponent Representative Sue Storm. She stated if the bill were to become law, it would be unlawful for any person to drive on a public highway while using a hand-held cellular telephone, however this would not apply to hands-free devices. She said there was growing evidence that cell phones have been suspect in numerous vehicle crashes and since 1995 at least 37 states have proposed various types of legislation concerning cellular phones in automobiles. As of this date, however, only three have been successful. She stated the rest of the world has reacted more quickly with twenty countries now restricting or prohibiting cell phone use in motor vehicles. She concluded that 77% of her constituents, when polled, believed there should be increased penalties when a driver is ticketed or has an accident while using a cellular phone. ([Attachment 2](#))

Joint testimony by Corporal Jeffrey Whisler and Darin Scott, Topeka Police Department, stated they are observing an ever increasing number of motorists diverting their full attention from the safe operation of their vehicles to the usage of cellular telephones. Their encounters with motorists using cellular phones while driving have ranged from speed violations to signal light violations and these and many other hazardous moving violations while using cellular phones are growing to epidemic proportions. They gave other examples of poor driving behaviors they have encountered and concluded that while recognizing cellular telephone use can be beneficial and even essential through proper and safe use, it is their observation that inattentive driving is on the increase due to persons using cellular phones while driving. ([Attachment 3](#))

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Jim Yonally, Verizon Wireless, said their company promotes the use of hands-free devices and as part of a nation-wide program are offering affordable hands-free devices at dramatically reduced prices. He then listed several conditions that would need to be met to assure customer safety and he felt **HB 2440** met these conditions. ([Attachment 4](#))

There being no other proponents the Chair called for questions from the committee.

Chairman Hayzlett called on John Federico, General Motors, as the first opponent to speak on the bill. He told the committee that while General Motors feels that legislative oversight of certain "driver distractions" is warranted **HB 2440** and the restrictions listed in the bill is not the correct approach to solving the problem. He said General Motors has unveiled the "SenseAble Driving" campaign which seeks to raise driver awareness about the dangers posed by all distractions and promotes a better understanding of how to alleviate driver distractions and that education is the better solution to increased vehicle safety. He also voiced concern about how this bill would affect their OnStar system which he said was a safety, security and information system that combines hands-free cellular phones with satellite uplinks and military technology. ([Attachment 5](#))

Mike Reece stated that while AT&T supports safe operation of a cellular phone, legislation is not the answer to insure its effectiveness. He said to single out only one potential cause in statute of a driver becoming distracted/reckless misses the point - while one is driving stay focused on the road - and it should not matter what the cause of the inattention is. He concluded with a quote from an article he provided with his testimony which states, "Let's educate the public on making safe cell phone choices. Let's not have one more example of too much government encroaching on our choices." ([Attachment 6](#))

Steve Kearney, ALLTEL, asked why address the issue of inattentive or reckless driving with more legislation, when there are already laws on the books today. He suggested if the penalties for inattentive and reckless driving are not serving as a sufficient deterrent, strengthen them by raising the fines and/or increasing the number of driver's license points that are taken away upon prosecution. He concluded that ALLTEL cannot support piecemeal targeting of certain items that might distract drivers. ([Attachment 7](#))

Western Wireless representative, Nelson Krueger, said they oppose **HB 2440** because laws already exist aimed at reckless and inattentive driving, no matter what the cause. With a focus on safe driving and enforcement of existing laws, the ever-advancing technology companies will increase availability of products that are "safe-driver friendly" and it is not necessary to bog down the statute books with a confusing, cumbersome and unenforceable law that would create as much havoc as it is purported to solve. ([Attachment 8](#))

Mike Murray, Sprint, told the committee that education is the key to safe driving and use of a wireless telephone and then quoted guidelines from education materials published by Sprint and other carriers. He stated there is much data to support that wireless phones are not the major causes of, or contributors, to traffic accidents over and above other driver distractions, **HB 2440** singles out use of a wireless phone use for penalty. He said the industry is conducting massive consumer education programs and there are enough laws on the books now to deal with dangerous drivers. ([Attachment 9](#))

Sandy Braden, Cingular Wireless, stated motorists today face many distractions that can compete for their attention while behind the wheel and present research indicates driver inattention is a contributing factor in over 50% of all accidents. However, current data from four states indicate that wireless phone usage represents less than one-half of one percent of driver distraction accidents. In conclusion she stated Cingular Wireless is committed to promoting safe driving and educating customers on the proper use of wireless phones while driving through bill inserts, sales materials, mass media advertising, new customer information kits, newsletters and other educational materials. ([Attachment 10](#))

Following questions and discussion from the committee Chairman Hayzlett closed hearings on **HB 2440**.

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HB 2369 - cities and counties, paving materials, prohibiting the sale

Chairman Hayzlett opened **HB 2369** for discussion and final action. Representative McKinney offered an amendment which would strike “or paving services” from Section 1, line 21 and add “unless such governing body has made a determination that such paving materials are not readily available from a nongovernmental entity. The provisions of this subsection shall not apply if a governing body declares by resolution that a disaster has occurred or that the occurrence or threat of disaster or emergency may exist” on line 22, Section 1. This was seconded by Representative Ballou and the motion carried. Representative Ballou made a motion to pass **HB 2369**, as amended, seconded by Representative Phelps and the motion carried. Representative Levinson wished his “no” vote be recorded.

HB 2225 - engineering fees charged to counties for federal aid projects

Representative Vickery made a motion to pass **HB 2225** favorably, seconded by Representative Osborne and the motion carried.

HB 2290 - regulation of motor carriers, exemptions

Chairman Hayzlett called for the sub-committee report on **HB 2290**. Bruce Kinzie, Revisor, gave an overview of the report. The recommendations would define “household goods”, define “private motor carrier”, delete references to the Interstate Commerce Commission, which was abolished in 1995, eliminate the requirement for private motor carriers weighing less than 10,001 pounds to obtain a permit from the Commission and bring under KCC safety rules and regulations intrastate motor carriers with certain regulations. Representative Powers made a motion to accept the sub-committee report, seconded by Representative Dillmore and the motion carried. Representative Powers made a motion to pass **HB 2290**, as amended, seconded by Representative Compton and the motion carried.

HB 2291 - regulation of motor carriers

Chairman Hayzlett called for the sub-committee report on **HB 2291**. The recommended changes would delete references to the Interstate Commerce Commission, eliminate a redundant paperwork process for interstate motor carriers that transport exempt and nonexempt commodities, allow the KCC to update through its own rules and regulations, the Code of Federal Regulations regarding hazardous material to more current versions and propose new sections to address motor carrier safety ratings and civil penalties.

Representative Powers made a motion to adopt the committee report, seconded by Representative Vickery and the motion carried. Representative Vickery made a motion to pass **HB 2291**, as amended, seconded by Representative Pauls and the motion carried.

The sub-committee report on **HB 2145**, warranties on safety belts, federal standards, was not ready at this time.

Chairman Hayzlett adjourned the meeting at 3:30 p.m. The next meeting of the House Transportation Committee has not been scheduled at this time.