



TESTIMONY, HB 2076
Presented by James R. Hanni,
for AAA Kansas
February 7, 2017
House Transportation Committee

On behalf of AAA Allied Group, we appear as a member of a large coalition of organizations and individuals in support of House Bill 2076. HB 2076 is a bill that encourages and increases occupant restraint usage among teen drivers. Today, you will hear testimony illustrating the successes of the SAFE (Seatbelts Are For Everyone) program and our effort to have this program available to every high school in the state. The SAFE program is nationally recognized and is being replicated in states across the nation, including our neighbors: Missouri, Oklahoma and Iowa. This is a bill that passed the Senate 33-2 in 2015 and received no opposition in the last two years. A vote on the measure in the House was not forthcoming in 2016.

Historically, teen occupant restraint usage has been significantly below adult usage in Kansas. That trend has shifted. As will be documented in other testimony, a program to address low occupant restraint use among young drivers was created in Crawford County in 2009, called SAFE ("Seatbelts Are For Everyone," a name adopted by the students). Since then, the program has produced impressive results in raising occupant restraint use among teens in SAFE program schools AND confirmed, independently, through county-wide teen occupant restraint use studies. Crawford is a county that has moved *teen* occupant restraint use from 38 percent to 85 percent during the pilot program's duration and their baseline program surveys show usage moving from 67 percent to 86 percent in their schools.

At the end of 2016, this Kansas-born, student-driven SAFE program was operating in 4 out of 10 of our high schools, or over 142 schools in 62 counties. However, that means 6 out of 10 of the eligible Kansas high schools had not yet experienced SAFE, largely because of funding.

This is a long-term public safety culture change. Not only has a significant solution for protecting our Kansas kids been found, a source of funding has been identified, paid only by those who break the law, not only by Kansas motorists but all motorists who break the law, instead of fees or taxes paid by all Kansans.

HB 2076 pays for itself by proposing to return the adult occupant restraint fine to the pre-2010 fine of \$30, and directs the \$20 difference to fund the SAFE program. This allows the other fine beneficiaries to remain neutral with what they receive, according to the Kansas Office of Judicial Administration.

So how do Kansans feel about the current occupant restraint law and fines? A December, 2014 survey of AAA Kansas members indicated that **84 percent approve of our current, primary enforcement occupant restraint law**. Few Kansas traffic safety issues garner greater favorable support. The number is consistent with Kansas occupant restraint usage, which in the most recent year reported at 87 percent. **(over, please)**



In the same survey, AAA Kansas members were also asked what they considered a “fair, reasonable and effective” fine for violating the occupant restraint law. The average of these was \$69 (Exhibit A). Currently, no other state has a lower fine than Kansas does at \$10. According to this AAA Kansas member survey, *nearly 70 percent of all respondents identified an amount above \$30 as “fair, reasonable and effective.”* In other words, nearly 70 percent consider fair, reasonable and effective a fine amount **greater than** the pre-2010 Kansas adult occupant restraint fine of \$30, and again proposed in HB 2076.

Besides the overwhelming certainty that public opinion favors an even higher fine than proposed in HB 2076, Randy Bolin of NHTSA’s Kansas City office reports an average fine of \$59.30 for all the states with usage rates at 90% or higher, using the most recent information. *HB 2076’s fine would still place Kansas at half of that national average.*

We lost 435 people last year in Kansas in motor vehicle crashes, making it one of the top ten causes of unintentional death in Kansas and the number one killer of teens. KDOT reports over seven out of ten (71 percent), on average, of all people killed or seriously injured in Kansas crashes are unrestrained. Accordingly, of all the countermeasures available today to reduce motor vehicle injuries and fatalities in Kansas, *being properly restrained or securing a child in a properly installed child safety seat would make the greatest impact on reducing Kansas deaths and injuries in motor vehicle crashes.*

This is why AAA, representing the traffic safety interests of all motorists and over 335,000 Kansas motorist members, supports HB 2076, a simple but profound improvement to Kansas traffic safety law that accomplishes two things:

- It provides for EFFECTIVE occupant restraint use education for ALL Kansas children, through SAFE as directed by the Secretary of Transportation.
- It provides the necessary funding for such programs, *NOT through taxes or fees, but from voluntary contributions from motorists who choose to violate the law.*

We urge you to favorably recommend this lifesaving measure to the full House, that assures both occupant restraint education will be available to all Kansas youngsters in the years ahead AND a permanent culture of safety among our young drivers is achieved for future generations of young Kansans to enjoy, funded through voluntary contributions from adults who choose to violate the law.



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

January 13, 2017

To: Jim Hanni and Norraine Wingfield, The Buckle Up Coalition

From: Jeff Peter *JP*

Re: Request for an amendment to K.S.A. 74-7336, amending the percentage splits to direct a portion of fines, penalties and forfeitures into the Seat Belt Safety Fund

The Buckle Up Coalition requests an amendment to K.S.A. 8-2504 to increase the amount of the seat belt violation fine by \$20, from \$10 (and no court costs) to \$30 (and no court costs). The coalition requests that all \$20 of the estimated revenue generated by the fine increase be directed into the Seat Belt Safety Fund, which would be created by the bill.

The Kansas Highway Patrol reported the following numbers of seat belt violations:

FY 2013	23,247
FY 2014	19,129
FY 2015	14,997

Using those numbers, the three-year average number of seat belt violations would be 19,124. Applying the \$20 increase to the three-year average would result in a revenue increase of \$382,487, which would be directed into the newly created Seat Belt Safety Fund. (Please note that all dollar amounts reflect rounding to the nearest one hundredth of one percent, in agreement with current statutory style.) To implement this proposal, the following percentage splits would need to be amended into K.S.A. 74-7336:

Fund	Current %	FY 2016 Current Estimate	Additional Seat Belt Safety %	FY 2018 Proposed Estimate
Seat Belt Safety Fund		\$17,029,261	2.20%	\$383,058

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Crime Victims Compensation Fund	10.94%	\$1,863,001	10.70%	\$1,863,057
Crime Victims Assistance Fund	2.24%	\$381,455	2.19%	\$381,317
Community Alcoholism and Intoxication Programs Fund	2.75%	\$468,305	2.69%	\$468,376
Department of Corrections Alcohol and Drug Abuse Treatment Fund	7.65%	\$1,302,738	7.48%	\$1,302,399
Boating Fee Fund	0.16%	\$27,247	0.16%	\$27,859
Children's Advocacy Center Fund	0.11%	\$18,732	0.11%	\$19,153
EMS Revolving Fund	2.28%	\$388,267	2.23%	\$388,282
Trauma Fund	2.28%	\$388,267	2.23%	\$388,282
Traffic Records Enhancement Fund	2.28%	\$388,267	2.23%	\$388,282
Criminal Justice Information System Line Fund	4.40%	\$749,287	4.31%	\$750,446
State General Fund	64.91%	\$11,053,695	63.47%	\$11,051,237
	100.00%	\$17,029,261	100.00%	\$17,411,748

Please note that the estimated fine revenue increase is derived from numbers provided by the Kansas Highway Patrol, which cannot be verified by the Judicial Branch. A number of factors would affect the amount of additional revenue that would be generated by this fine increase, but their effect cannot be quantified and is not reflected in the revenue estimate noted above. Those factors include the following.

- The number of violations supplied by the Kansas Highway Patrol includes only tickets issued by the Highway Patrol and does not include seat belt violation fines resulting from tickets issued by local sheriffs' offices.
- The revenue increase does not include any adjustment for the fact that not all persons to whom tickets are issued will pay the fine.
- The revenue increase also does not take into account the fact that, traffic fines are not always paid immediately. Fines remitted by the clerks on and after the effective date of the bill would be subject to the amended fine split percentages, regardless of when the ticket was issued and the amount of the fine included on that ticket.

If the revenue estimated based on the numbers provided by the Kansas Highway Patrol is not accurate, the following would occur:

- If the revenue receipts are higher than the KHP's estimate, the transfer into the Seat Belt Safety Fund would be greater than the amount that would be justified, and the other funds receiving a percentage split of fines, penalties, and forfeitures pursuant to K.S.A. 74-7336 would be increased accordingly.

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- If the revenue receipts are lower than the KHP's estimate, the transfer into the Seat Belt Safety Fund would be less than the amount that would be justified, and the other funds receiving a percentage split of fines, penalties, and forfeitures pursuant to K.S.A. 74-7336 would be reduced.

JP:am

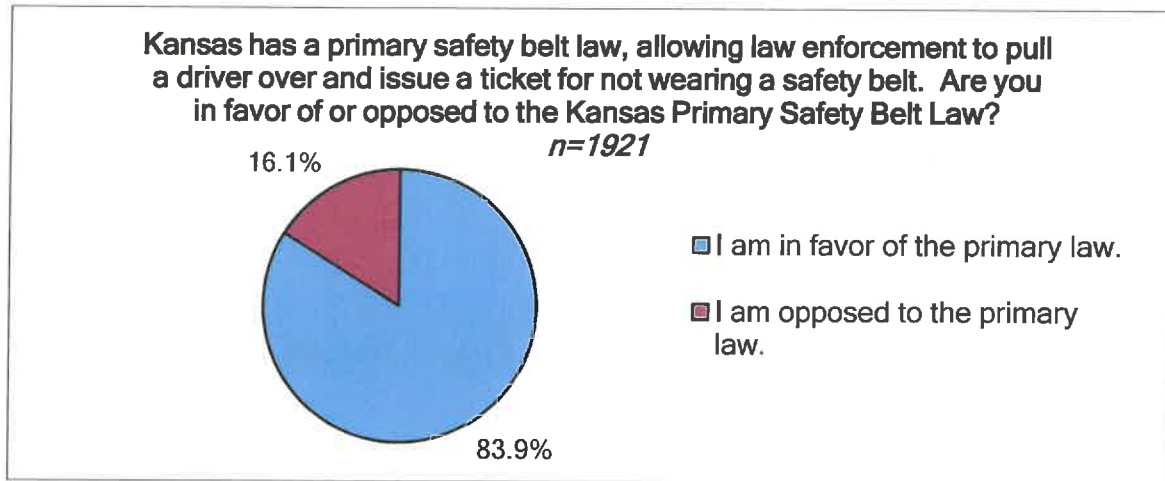
REVENUE

	FY 2016	Additional	FY 2018	
Fines Penalties and Forfeitures	\$17,029,261	\$382,487	\$17,411,748	
Fund	current %	Seat Belt Safety %	Proposed Estimate	Change in Funds
Seat Belt Safety Fund		2.20%	\$383,058	\$383,058
Crime Victims Compensation Fund	10.94%	10.70%	\$1,863,001	\$56
Crime Victims Assistance Fund	2.24%	2.19%	\$381,455	-\$138
Community Alcoholism and Intoxication Programs Fund	2.75%	2.69%	\$468,305	\$71
Department of Corrections Alcohol and Drug Abuse Treatment Fund	7.65%	7.48%	\$1,302,738	-\$340
Boating Fee Fund	0.16%	0.16%	\$27,247	\$612
Children's Advocacy Center Fund	0.11%	0.11%	\$18,732	\$421
EMS Revolving Fund	2.28%	2.23%	\$388,267	\$15
Trauma Fund	2.28%	2.23%	\$388,267	\$15
Traffic Records Enhancement Fund	2.28%	2.23%	\$388,267	\$15
Criminal Justice Information System Line Fund	4.40%	4.31%	\$749,287	\$1,159
State General Fund	64.91%	63.47%	\$11,053,693	-\$2,457
	100.00%	100.00%	\$17,029,261	\$382,487

Exhibit A

Support of/Opposition to the Kansas Primary Safety Belt Law

The following graph displays the percent of survey respondents who chose support of or opposition to the Kansas Primary Safety Belt Law. The survey was conducted December 10th – 15th, 2014. 1921 AAA members responded to this question.



About 84% of respondents indicated support of the Kansas Primary Safety Belt Law.

Fair, Reasonable and Effective Fine

The graph on the following page displays the percent of AAA respondents who indicated the amount of what they consider to be a fair, reasonable and effective fine.

The amount of fine is indicated on the left, vertical column.

The percent of respondents who specified each fine amount is indicated along the bottom, horizontal column.

The most common answer (34%) was \$50.

The second most common (21%) answer was \$100.

The third most common (14%) answer was \$25.

The average answer was \$69.46.

These results were based on responses from the 1067 respondents who indicated a single, numerical answer. Extreme fines were omitted (i.e. in excess of \$500).

Ranges, combinations and other less specific fines were also omitted (i.e., 1st-\$50.00; 2nd-\$75.00; 10% of the individual's weekly income, both earned and unearned, etc.).

Exhibit A

Fair, Reasonable and Effective Fine

n=1067

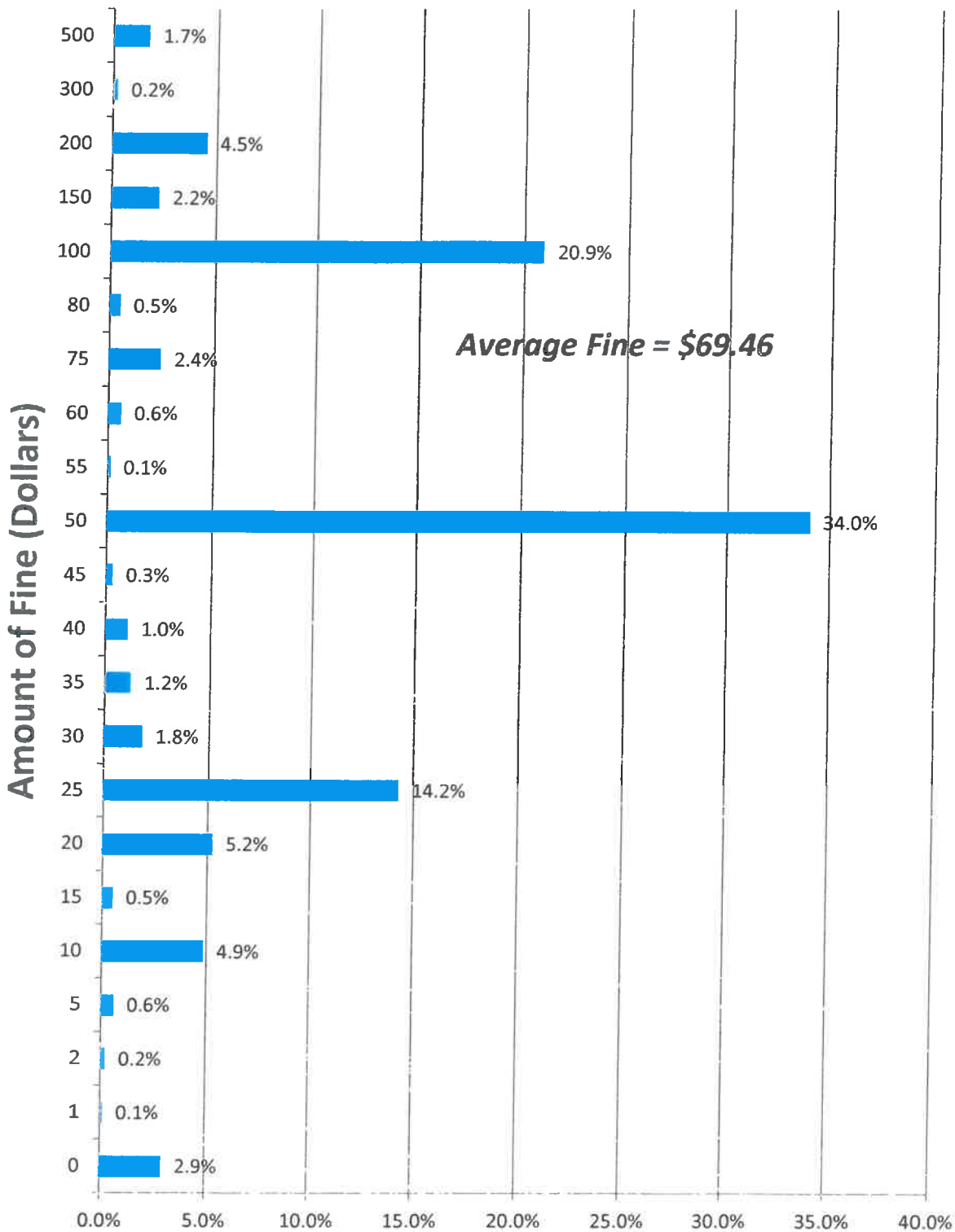


Exhibit A

Jim Hanni of AAA asked me to provide some clarification regarding a survey I conducted a few months ago, using the AAA membership as the respondent pool.

My name is Dan Schulte and I have been the Director of Research and Evaluation Services for DCCCA, Inc., since 1990. DCCCA is a 501(c)3 corporation based in Lawrence, Kansas. DCCCA bids on federal, state and local contracts, and has been involved in providing social services and research/evaluation services since the 1980's.

I currently hold the contract to conduct the Kansas Direct Observation Occupant Protection Surveys, and the Kansas Child Passenger Seat Surveys. I am a technical consultant for KDOT and NHTSA. The survey that was conducted using the AAA membership was designed as an objective, scientific survey. It serves no purpose to collect invalid or unreliable data. The primary purpose of this survey was to determine the level of support (or not) of the primary safety belt law as implemented in Kansas, and what the AAA membership thinks a fair, reasonable and effective fine for a safety belt violation might be.

This is the actual wording from the survey, to the subject question:

2. How much would a safety belt fine have to be to be fair, reasonable and effective?

There were no answer options proposed – just a box that let respondents enter any number they wanted. I believe Jim Hanni has presented those results to you. The result became “stable” with about 600 respondents. The additional 1400 respondent's did not change the results.


I understand that data are often misused to support a particular point of view, but I have built my entire career on being an objective, detached scientist. Had these results showed a lack of support for the primary law, and an average fine of \$5, I would have reported that.

What the results did indicate was a broad-based support for the primary law (about 84%), and a suggested average fine of about \$69. (I threw out the suggested fines of \$2500 and \$5000). 76 Kansas counties were represented in the survey, and the age range of respondents was 18-95, with an average age of about 61 years.

Please feel free to contact me if you have any additional questions about the survey.

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The Current Role of Teen Seat Belt Use and Education in Kansas




Seatbelts Are For Everyone

Kansas Traffic Safety Resource Center


Testimony by Noiraine Wingfield/David Curp



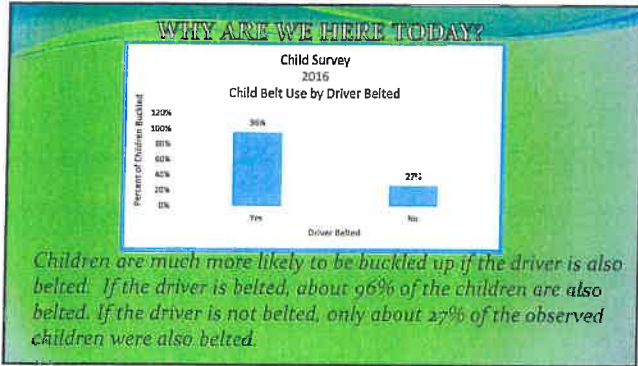




Seatbelts Are For Everyone



SAFE ~ Seatbelts Are For Everyone
A cooperative effort to increase restraint compliance through positive rewards, education and strong enforcement.

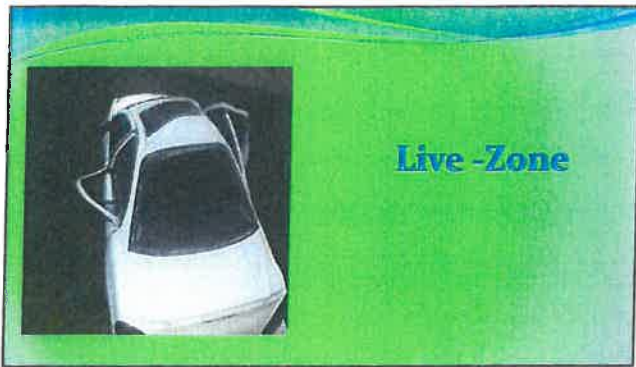


SAFE is not just about teens...

- The 2008/2009 seatbelt survey result in Crawford County was 54% for 0 to 17 years of age.
- The 2014-2016 seatbelt survey result was 85%. This is an increase of 57%.
- Montgomery County was 74% in 2009/2010 and this year was 91%. This is an increase of 23%.

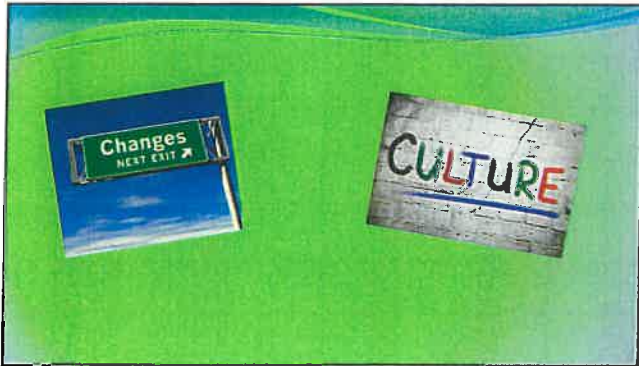
Both counties have had SAFE for over 5 years.











The Future for Occupant Protection in Kansas:

Win Win Win

Fines are only paid by those who break the law
SAFE is creating a cultural change among our youth.
Lives are saved



SAFE Program Costs	SAFE costs	Proposed
	142 High Schools	342 High Schools
Salaries and benefits	\$48,068	\$120,500
Direct Program costs (banners, pledge cards, supplies, travel)	\$47,126	\$90,500
Prizes and Rewards estimate (total cost per 100 students per school per year / type for grand prizes, sponsors)	\$81,488	\$210,325
Administrative (office space, postage, insurance, internet, phone, duplication)	\$10,643	\$58,870
Totals	\$187,325	\$480,195
Average cost per school (total divided by number of schools)	\$1,319	\$1,404

HB 2076

Vonnie Rickerson

Thank you (I don't know what goes here). My name is Vonnie Rickerson and this is my daughter Hallie. I am a constituent of Representative Jacobs from Fort Scott, Kansas. I'm grateful for this opportunity to be standing in front of you today with my daughter to share our experience and the value of wearing a seat belt.

Seat belts have been a major factor in the two car crashes that stand out the most in my life. The first, was before Kansas had seat belt laws. I was eight years old, on my way to school when our school bus passed beside a wreck. The driver was NOT wearing a seat belt. The impact of the crash caused the driver to fly forward hitting the steering wheel, dislodging her heart. She died instantly. The driver of the vehicle was my mom.

The second crash began with a phone call, telling me, my 15 year old daughter, had been in a car wreck with her 17 yr old boyfriend. For the second time in my life I drove past a mangled car that held someone I loved. My heart dropped when I saw the life flight helicopter hovering over the road ahead. I drove around the 'road closed' signs to get to my baby girl and I can't express all of the emotions I felt as I drove through the horrific scene of the crash, then seeing a crumpled car, I didn't think anybody could walk away from. I was sure my friend and I had lost our babies. After hitting a tree, the car rolled twice and flipped end to end and when the car finally came to rest it was unrecognizable. My daughter was unresponsive & was taken by helicopter to the hospital in Joplin an hour away. I didn't know if she was even alive until I was almost all the way to Joplin. Hallie had suffered a serious concussion. She couldn't remember anything and repeated herself over and over. She had glass embedded near her upper right shoulder blade, along with multiple cuts and bruises. All I could think was 'She's Alive'. Her boyfriend had experienced a broken leg, broken foot, a chest bruise from the seat belt, along with other minor cuts and bruises. By the Grace of God they were both were back to living their lives within a couple weeks.

I believe with all my heart that the hand of God and seat belts saved the lives of my daughter and her boyfriend that day. And I believe if my mom had been wearing a seat belt the day of her wreck, she may have lived as well. I lost one... but I got to keep the other. Thank you, for letting us share our experience with you today. Does anyone have any questions or comments?

KS Legislative Speech for SAFE CLUB -Winter 2017-HB2076

Submitted By: Chantel Shaw

High School Sophomore

Pleasanton High School

I would like to thank you all for taking the time to listen to my story and my testimony today. You have a very important job that effects ALL Kansans and our way of life. On January 3rd, 2017 I had just finished another successful school day and I decided to go get gasoline and treat myself to a soda at our local service station that is located near 69 highway. At 3:40 pm. I was approaching the station and was a mere 500 feet from the entrance when I noticed approaching from my right a truck that was not slowing down that had a stop sign . Instinctively, I covered the brake and attempted to slow down. The truck did not stop at the stop sign and hit my front right bumper. My car spun all the way around and I ended up crashing into the WELCOME to PLEASANTON sign that was made of iron bar fencing and concrete. My 1997 grand marquis had the front end smashed like an aluminum can and luckily the airbags deployed. I had on my seatbelt as well. Had I forgotten my seatbelt, I believe that I would not be here today. Others that experience wrecks way too frequently have told me the same. I have been an active member of my school SAFE club chapter for the past two years serving as an officer and even presenting for our chapter at the annual KDOT Transpiration Safety Conference in Topeka last year. I do not belong to the club because my dad – our principal is one of the club sponsors. It is because it is something that I believe in. Did I mention that the gentleman that hit me was BUZZ driving and admitted that he was lighting a cigarette and did not see the stop sign – that is why he hit my car going over 45 miles per hour. I am here today to ask for your support to allocate a portion of the seatbelt tickets issued to go towards the state SAFE club effort. I feel like you doing so is promoting the education and protection of Kansas youth. It also promotes SAFE driving practices as well. I again thank you for your time and I hope that you consider my story in your decision making. I feel very fortunate to be standing before you today.