

Robin Sparks
823 Dakota Street
Sabetha, KS 66534 785-285-8121

Testimony of ABATE of KS, Inc. District 11 Secretary Robin Sparks
HB 2010 Operation and penalties for use of wireless device, HB 2188 Right of way violation
Before the House of Transportation Committee
February 8, 2017

Dear Sirs and Madams of the House of Transportation Committee

I am here on behalf of my husband Timothy Lyle Sparks. Born 9-11-1965, Killed 9-25-2016. A mere 51 years young. Still full of life and love and lots of it to go around. My husband Tim was raised in Topeka, KS. He enlisted in the Navy, and served 5 years, much of which was on the USS Enterprise CVN - 65. He was first married to Debra, they have 2 children together. Greg Sparks of California, Stephanie Lewis of Topeka, she has 3 children. Tim's grandbabies, Meredith, Alexandra and Riley. After divorcing Tim moved back to KS.

Tim drove for Keim Trucking in Sabetha for several years, his current employer of 13 years, Mac Process, formerly Schenck Process, until his death. Tim and I married June 25, 2016. Tim loved his kids and grandbabies. He spent all Holidays and birthdays with his family. Tim had yearly outings with grandbabies to Gary's Berries each fall. Grandbabies looked forward to this fall tradition. Tim enjoyed camping just north of town at the Sabetha Lake, where his grandkids would come to fish and enjoy time at the beach. Tim and I enjoyed fishing and camping together. I found out from his friend Kevin that Tim would cuss under his breath every time I caught the fish first. We spent many night around the campfire with family and friends.

Tim was also known by "Timmy Boy" to friends, family and all his ABATE of KS District 11 family that he was so proud to be a part of. I have been active with ABATE and life member 20 years, Tim and I volunteered many hours at various events, security at The National ABATE Labor Day Rally, and District 11 events. Tim was willing to help out where needed and always felt he didn't do enough. Tim was a hard worker and dedicated family man and had a strong work ethic and passion for life. He was a very devoted man in all he did. Tim was known as a perfectionist. Tim has a sister Sandy, Brother James, Mom Nancy and Step dad Bill, Several nieces and nephews, great nieces and great nephews who all loved him. They called him Timber. He got this nick name after falling. His biker family and friend would call him Scooter.

My four children Noe, Joseph, Katrina, and Chris, six grandbabies called him step dad and grandpa. They loved him and knew how happy Tim and I were. They had a lot of respect for Tim, as he accepted the kids as if they were his own blood. That is just who Tim was. He was always the first to help a stranger no matter what and if he couldn't made sure they got the help. Tim always had people smiling and laughing.

On September 25, 2016 shortly after 2pm, on his way to Fall City, NE my husband Tim was hit head on and killed. The other driver was driving a company truck and struck Tim inches from the white line on my Husbands side of road. Upon impact, the truck continued to travel a couple hundred feet into a ditch, eventually coming to stop as the truck struck a culvert. The only brake marks prior to impact were my husband Tim's. The highway patrol officer took the driver of the Company trucks cell phone to check his log books. At that time the highway patrol officer observed a half typed text message on the driver's phone. Thankfully the investigating Officer reported text message to the lead investigator. His cell phone was confiscated as evidence at that time. During a fifteen minute time frame up to time of accident driver had ten incoming and five outgoing messages, not including the partial text message the officer reported. It has been over four months and we are still waiting for arrest and charges. The investigation recently concluded, as company claimed a problem with the steering. In conclusion all the physical evidence showed otherwise. No brake marks from driver of truck until after impact. The car in front of Tim was pulling off the road and had witnessed driver in their lane just before head on collision.

Currently State law is a \$60.00 fine for texting while driving.

As I research statistics on texting while driving, what I found is alarming.

National Safety Council

1.6 million People killed each year due to texting while driving. *6 times more likely than by a drunk driver.*

2012

3,328 people killed. 421,000 injured.

2013

3,154 people killed. 424,000 injured.

2014

3,179 people killed. 431,000 injured.

Kansas Statistics from KDOT website

2009 – 3 deaths 195 injuries

2010 – 6 deaths 260 injuries

2011 – 3 deaths 229 injuries

2012 – 6 deaths 262 injuries

2013 – 7 deaths 210 injuries

2014 – 6 deaths 240 injuries

No information available for 2015, 2016.

Nebraska drivers are prohibited from texting. 1st offence \$200.00, 2nd - \$300.00, 3rd - \$500.00 fine plus 3 points against driver's license.

Missouri – CDL drivers prohibited from using any hand held devices.

Oklahoma prohibits distracted driving, texting and cell phone use and may be penalized \$100.00 fine.

Colorado – Except for novice drivers there is no prohibitions on all phone use. All are prohibited from texting.

Iowa - Except for novice drivers no prohibitions on all cell phones. Texting prohibited. \$30.00 (or up to \$1000.00) for causing serious accident.

It is my feeling that if stricter enforcement of the use of hand held devices were enforced, the probability of Tim still being here would have been greatly increased and my time with Tim would not have been cut so short. Along with countless other lives taken from their families too soon.

Accidents caused by texting is becoming a serious problem nationwide. Laws need to be stricter and enforced. HB 2188 is a start in the right direction. I hope that sometime in the near future the laws will be stricter and it be mandatory to teach the dangers of texting while driving, in driver's education classes. I also feel law enforcement should have the right to seize a drivers cell phone at the time of accident if they suspect texting was cause of accident.

Because laws are so lenient the other driver was able to go home, and celebrate the holidays with family. Tim's death caused by someone else's carelessness will forever take away the ability to celebrate any of life's precious moments with Tim. Tim was a good man, treated me very well and made me happy. Until I met Tim I had gone a long time without that happiness. My friends and family see my grief and depression. The financial security is now a struggle because of this man's carelessness. I cry every day because I miss my husband. I cry at night when I go to bed. I miss Tim's arms around me and the comfort and security that comes with having a spouse. Many times I have felt like giving up on life. I also question why I stayed home that day. If I had gone I would have been killed. The impact took my seat and the back half of Tim's bike, dragging it down the highway and into the ditch. They would have been picking pieces of me off the highway. My parents would be without a daughter, as would my children and grandkids. I want Tim's story heard and the texting and driving laws to be stricter and

enforced so that no one else has to suffer what we have with Tim's death. We can prevent a lot more serious injuries and deaths from happening by making these laws stricter and by enforcing them.

How would you feel if this was your son, daughter, sister, brother, mother, father, wife, grandparent, friend? Wouldn't you want to prevent this type of sorrow and suffering to your family? And what about all who have suffered serious injury and pain that they will face the rest of their lives? Because our laws are too lenient. I ask God why I was left behind and why was Tim taken away from me so tragically? I now know the answer, it is because I have a loud voice and people need me to fight to make these bills stricter so others don't have to suffer. We teach people and make them aware of what can happen if you text and drive. This man clearly violated my husband's right of way and the fact he was clearly distracted and violating the law by texting while driving which was the main contributing factor and cause of Tim's death.

I strongly recommend and believe that HB 2010 and HB 2188 be passed. We need to make a better effort at preventing injuries, death and suffering.

Sincerely, *Robin Sparks*

Robin Sparks
ABATE of KS District 11 Secretary