

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 25, 2006 in Room 313-S of the Capitol.

All members were present except:
Michael Peterson- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:
Cindy Samuelson, Safe Kids of Kansas
Colonel William Seck, Kansas Highway Patrol
Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics
Terry Heidner, Kansas Department of Transportation
Jim Hanni, Kansas Region, Executive VP of AAA
Dr. Christopher Bandy, American College of Surgeons, Kansas Chapter
Tara Eubanks, State Farm Insurance
Phyllis Larimore, Children's Mercy Hospital
Dr. Sarah Johnston, State Child Death Review Board
Darlene Whitlock, Emergency Nurses Association & Kansas State Nurses Association
Dr. Howard Rodenberg, Director, Kansas Department of Health & Environment
Cindy D'Ercole, Kansas Action for Children

Chairman O'Neal opened the hearing on **HB 2611 - child passenger safety act, booster seats.**

Cindy Samuelson, Safe Kids of Kansas, explained that the bill would mandate the age of those who would be required to use booster seat for any child ages 4-7; increase the fine from \$20 to \$60 for those found in violation of the act; and provides for a phase-in period. She stated that 34 other states have similar types of booster seat laws. (Attachment 1)

Colonel William Seck, Kansas Highway Patrol, commented that while seatbelts are designed to save lives they are designed for adults not for children. The shoulder harness lays improperly across children's necks and the lap belt lays across the abdomen. Because both of these belts do not fit properly they cause serious or even fatal injuries in crashes. (Attachment 2)

Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics, supported the proposed bill because updating current law in this area is important for medical reasons. Children using lap belts have suffered from "seat belt syndrom," which causes serious injuries to head, neck, and spinal fractures.

He quoted a study from the Children's Hospital in Philadelphia which showed that odds of an injury when using booster seats are 59% lower and that half of all children do not use seatbelts or booster seats. (Attachment 3)

Terry Heidner, Kansas Department of Transportation, stated that automobile accidents are the leading cause of deaths of children under the age of 17. The passage of the proposed bill would make Kansas eligible for federal funds for safety incentive, specifically directed toward education of child passenger safety. (Attachment 4)

Jim Hanni, Kansas Region, Executive VP of AAA, cited a national study that found that the use of belt positioning booster seats lowers the risk of injury to children ages 4-7 in crashes 59% of the time, compared to the use of vehicle seat belts alone.

A Kansas Department of Transportation study showed that 81% of children ages 0-4 use child seats while only 49% of those in the age group of 5-9 used appropriate restraints. The percentage continued to drop

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for ages 10-14 to 47%. ([Attachment 5](#))

Dr. Christopher Bandy, American College of Surgeons, Kansas Chapter, informed committee members that 42 % more fatal crashes occur in rural areas and vehicle crashes are the number one cause of deaths for all children over the age of one. ([Attachment 6](#))

Tara Eubanks, State Farm Insurance, provided the committee with a report from State Farm Insurance and The Children's Hospital of Philadelphia entitled *Partners for Child Passenger Safety Fact and Trend Report*. The report suggested that parents are doing a good job of restraining infants and toddlers, but that 45% of children between the ages of 4-8 remain inappropriately restrained in adult seat belts. Since 1998 booster seat usage has been increasing at a rate of 75% each year. This trend shows that parents are motivated and receptive to use booster seats. ([Attachment 7](#))

Phyllis Larimore, Children's Mercy Hospital, commented that it's the parents responsibility to make sure children are using booster seats. They should not be allowed to make a choice between using one or not. She suggested that most reports indicate that parents are not making sure that children are buckled up appropriately. ([Attachment 8](#))

Dr. Sarah Johnston, State Child Death Review Board, has been collecting data for the past 10 years surrounding the deaths of Kansas children from birth through age 17. They found on the average there are 500 children dying each year in Kansas. 116 are from unintentional injuries of which 74 are motor vehicle crash deaths. The Board believes that 98% of those motor vehicle crash deaths were preventable. ([Attachment 9](#))

Darlene Whitlock, Emergency Nurses Association & Kansas State Nurses Association, appeared in support of the proposed bill. She has seen the types of injuries that are caused by the lack of a proper seat belt restraint. ([Attachment 10](#))

Dr. Howard Rodenberg, Director, Kansas Department of Health & Environment, stated that of the children who died in motor vehicle crashes in the United States in 2000, 46% were unrestrained and 36% were restrained with a car seat belt but without a booster seat. He suggested that the proposed legislation would result in a reduced costs for insurance programs, such as the Medicaid Brain Injury Waiver Program, that serve citizens with traumatic brain injuries. It's been estimated that for every dollar spent on child safety seats, we save \$32.00 as a community. ([Attachment 11](#))

Cindy D'Ercole, Kansas Action for Children, informed the committee that a network has already been established educating individuals about infant seats and believes that it would be easy to include booster seats into the program. Indiana passed a child booster seat law and saw that, four months after the law became enacted, the number of those using booster seats went from 9% to 72%. ([Attachment 12](#))

Written testimony in support of the proposed bill was provided by:

- Safe Kids Kansas ([Attachment 13](#))
- National Transportation Safety Board ([Attachment 14](#))
- Kansas Sheriff's Association, ([Attachment 15](#))
- Kansas Academy of Family Physicians ([Attachment 16](#))
- Clay County Emergency Medical Services ([Attachment 17](#))

Chairman O'Neal announced that the Kansas Department of Highway Patrol was planning on showing the committee a DVD on booster seats but due to technical difficulties the viewing of the program would be postponed to a later date. He closed the hearing on **HB 2611**.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for 3:30 p.m. on Thursday, January 26, 2006 in room 313-S.

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