

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:35 a.m. on January 28, 2010, in Room 152-S of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Cindy Shepard, Committee Assistant

Conferees appearing before the Committee:

Jarrod Forbes, Lobbyist, Polaris Industries
Kent Biggs, Detective, Topeka Police Department
April Holman, Director of Economic Policy, Kansas Action for Children

Others attending:

See attached list.

Bill Introductions

Senator Petersen requested the introduction of a bill that amends graduated drivers licenses. The two proposed changes would allow an exception for driving directly to and from a religious service function and would let a parent, when teaching their student to drive a motorcycle, to be on the same motorcycle if they wish, instead of riding in close proximity. Senator Petersen moved, Senator Apple seconded, to introduce the bill. Motion carried.

Senator Umbarger requested the introduction of a primary seat belt bill. The intent is to have an active primary seat belt bill, if needed later on in the session. Senator Donovan moved, Senator Kultala seconded, to introduce the bill. Motion carried.

Jarrod Forbes, on behalf of Polaris Industries, requested a bill relating to adding definition to the all-terrain vehicle legislation passed last year. Senator Petersen moved, Senator Kultala seconded, to introduce the bill. Motion carried.

The Chairman opened the hearing on **SB 367 - Regulating traffic; enforcement of helmet law for motorcycles**. Daniel Yoza, staff revisor, reviewed the bill.

Kent Biggs, Detective, Topeka Police Department testified in support of **SB 367**. He indicated that the bill corrects an unrecognized oversight in K.S.A 8-1598 which prohibits anyone under 18 from operating a motorcycle without wearing a helmet but allows the operator to take a child along without wearing any such protection. He noted it is only common sense to require the operator of a motorcycle to make sure the child is wearing a helmet. We all have the responsibility of keeping safe those who cannot make decisions for themselves (Attachment 1).

Senator Petersen asked about addressing eye protection in the bill, as some helmets do not have eye shields. Detective Biggs responded that they had not looked at that but would want to include it in the bill. Chairman Umbarger indicated it would be considered for an amendment.

April Holman, Director of Economic Policy, on behalf of Suzanne Wikle, Director of Health Policy, Kansas Action for Children appeared as a proponent of **SB 367**. She stated that numerous studies have found that motorcycle helmets prevent injury and save lives. The policy requiring motorcycle helmet use for children under age 18 is not enforceable as originally intended. Law enforcement should have the ability to enforce this policy as intended and hold persons accountable. Ms. Holman concluded that it makes sense to close the loophole in the existing law this year (Attachment 2).

Written testimony in support of **SB 367** was submitted by:

CONTINUATION SHEET

Minutes of the Senate Transportation Committee at 8:35 a.m. on January 28, 2010, in Room 152-S of the Capitol.

James R. Hanni, Executive Vice President, AAA Allied Group ([Attachment 3](#))

There being no further conferees, the hearing on **SB 367** was closed.

The meeting was adjourned at 8:50 a.m. The next meeting is scheduled for February 2, 2010.