

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary Hayzlett at 1:30 p.m. on February 12, 2003 in Room 519-S of the Capitol.

All members were present except:

Representative Mary Compton  
Representative Jerry Henry  
Representative Kenny Wilks

Committee staff present:

Bruce Kinzie, Revisor  
Hank Avila, Legislative Research Department  
Mary Galligan, Legislative Research Department  
Betty Boaz, Committee Secretary

Conferees appearing before the committee:

Representative Bob Bethell  
Rosalie Thornburgh, Chief, Bureau of Traffic Safety, KDOT  
Sgt. Rusty James, Traffic Safety Unit, Lenexa Police Department  
Second Lt. John Eichkorn, Kansas Highway Patrol  
Martin Berneking, Secretary of Kansas State Troopers Association  
Alex Petigna, Sgt. of Arms, Kansas State Troopers Association

Others attending:

See attached list

**HB 2120 Unattended motor vehicle, remote starter system exception**

Vice-Chairman Faber opened hearings on **HB 2120** and introduced Representative Bob Bethell who explained what the passage of this bill would mean. (Attachment 1) Kansas law provides that an owner of an automobile may not leave a vehicle with its engine running unattended. According to Representative Bethell this law does not take into consideration the advances in technology that now allow for remote starters that are theft proof. A remote starter without the ignition key in place will lock the doors, start the engine and if the vehicle is broken into and an attempt to move the vehicle is made stops the engine and cannot be restarted until a key is properly placed in the ignition switch. **HB 2120** would amend the statute to allow the use of the remote starter and secure the vehicle from theft.

There being no other proponents and no opponents, Representative Bethell responded to questions from the Committee. Chairman Hayzlett, who took over Chairship of the Committee, closed the hearing on **HB 2120**.

**HB 2119 Enforcement of safety belt law**

Chairman Hayzlett opened hearings on **HB 2119** and called upon Rosalie Thornburg, Chief of Traffic Safety for KDOT as the first proponent. Ms. Thornburg spoke in support of this bill which she felt would provide more flexibility to law enforcement in issuing seat belt citations. (Attachment 2) She told the Committee KDOT supports this legislation and believes it will result in greater seat belt use but more importantly, through increased targeted enforcement efforts, passage of this legislation will contribute to the public safety of Kansas motorists.

The second proponent was Sgt. Rusty James, who along with other officers from the Lenexa Police Department are members of Operation Impact which is a cooperative, multi-jurisdictional, group of law enforcement agencies throughout the Kansas City Metro area. He was representing agencies and officers involved in Operation Impact. (Attachment 3) This group spends a considerable amount of time educating the motoring public about the importance of using seat belts and child safety seats. Sgt. James asked the Committee for support for **HB 2119** which would strengthen Kansas' secondary seat belt law and allow law enforcement officers to educate the public and enforce the law. By passing **HB 2119** he felt Kansas should see an increase in the seat belt usage rate which would result in a reduction in the

## CONTINUATION SHEET

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE at on February 12, 2003 in Room 519-S of the Capitol.

number of injuries and deaths as a result of crashes.

The next proponent was Second Lieutenant John Eichkorn who spoke in support of **HB 2119** on behalf of Colonel Don Brownlee and the Kansas Highway Patrol. (Attachment 4) Lt. Eichkorn said enforcement officers know the benefits of safety belts through first-hand experience investigating accidents and that the Patrol believes that a combination of education and enforcement will increase seat belt use, save lives, and decrease injuries. He said currently law enforcement officers can only issue a citation for a seat belt violation after observing and issuing a citation for a separate violation, such as speeding or improperly changing lanes. He concluded by saying the Patrol would like to make a recommendation for the Committee to consider. Currently the statute sets the fine for violating the seat belt law at \$10, which includes court costs. When the Legislature tripled fines two years ago to bring them in line with other states' fines, this statute was not affected. The patrol recommends the Committee consider adding the standard court costs to the existing \$10 fine. By doing so, issuing a citation for this violation by itself would be uniform with how most traffic citations are written and costs are assessed.

The Chairman recognized Master Trooper Martin Berneking with the Kansas Highway Patrol who also urged support for **HB 2119**. (Attachment 5) According to Master Trooper Berneking during the last quarter of 2002, the KHP issued approximately 5,000 citations for failure to wear a seatbelt. Another 7,000 warnings were issued. Of these 7,000 warnings issued, the majority of these would have been citations had a primary violation not been required to be issued. He concluded that seat belts are the single most effective safety device in preventing serious injuries and reducing fatalities in motor vehicle crashes having saved an estimated 10,000 lives alone each year.

The next proponent was Alexander Petigna on behalf of Kansas State Troopers Association to support passage of **HB 2119**. (Attachment 6) Master Trooper Petigna recalled, as a child, standing in the seat of his parents '65 Dodge Polara while driving down the highway at 70 miles per hour. On occasion his parents would extend their arm to restrain him to the seat. Master Trooper said given those circumstances, if he works a death or injury accident involving a youngster, the charge will be child endangerment - not failure to restrain a child. Because it is common knowledge and common sense that seat belts save kids lives. Part of his testimony included an excerpt from Ralph Nader's book titled "Unsafe at Any Speed".

Written testimony was also provided by MADD (Mothers Against Drunk Driving) in support of **HB2119**. (Attachment 7)

There were no other proponents and no opponents.

Following questions from the Committee Chairman Hayzlett closed the hearings on **HB 2119**.

Since there were no opponents, and with no objection from the Committee, Chairman Hayzlett called for final action on **HB 2120**. Representative Beggs made a motion to pass HB 2120 favorably, seconded by Representative Huff and the motion carried.

Chairman Hayzlett adjourned the meeting at 2:45 p.m. The next meeting of the House Transportation Committee will be held on Monday, February 17, 2003.