

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 15, 2007 in Room 527-S of the Capitol.

All members were present except:

Anthony Hensley- excused

Committee staff present:

Hank Avila, Kansas Legislative Research Department

Mike Corrigan, Revisors of Statutes

Maggie Breen, Committee Assistant

Conferees appearing before the committee:

Col. William Seck, Kansas Highway Patrol

Ashley Atkins, 17 year old Seat Belt Advocate

Jim Hanni, AAA

Dr. Howard Rodenberg, KDHE

Cindy D'Ercole, Kansas Action for Children

Dr. Robert Foss, Dir of Center for Young Drivers Highway Safety Center

Secretary Deb Miller, KDOT

Director Mike Watson, Kansas Association of Chiefs of Police

Others attending:

See attached list.

Chairman Donovan opened the hearing on **SB 211--Safety belts, primary enforcement for occupants under 18 years of age.**

Proponents:

Col. William Seck, Kansas Highway Patrol said, as the committee well knows, the current law requires the law enforcement officer to sight the driver for another infraction before they can ticket them for the secondary seat belt law. **SB 211** would also require all occupants between the ages of 14 to 18, regardless of where they're seated in the vehicle, to wear a seat belt. Law enforcement across the state supports the bill, thinking it a step in the right direction. They also support another bill in the committee, **SB 223** which would require everyone in the vehicle to be belted. Current seat belt usage in Kansas is about 73% and the national average is 81%. Most experts tell us that if Kansas were to enact a primary seat belt law there would be about a 10-15% increase in seat belt usage. The increased seat belt usage would have a direct effect correlation on reducing the number of fatalities. So far in 2007, there have been 41 fatalities and of the 18 reports received and reviewed 14 were not belted. It takes about 10 seconds to buckle up and it increases your likely hood of survival hood by about 45%. (Attachment 1)

Ashley Atkins, 17 year old Seat Belt Advocate and proponent of the bill, came to tell the story of her family's tragedy. "Cause of death was massive blunt trauma to the head and chest" they were told and the Highway Patrol had written "Most likely, injuries would have been minimal had Malorie been seat belted in." On October 2, 2004, Malorie was on her way home from a volleyball tournament, riding with one of her friend's parents. There were 3 kids in the vehicle. It was a nice fall day and an accident was the farthest thing from their minds. The four words "SHE DIDN'T MAKE IT" re-play over and over in Ashley's head every day. She knew something good needed to come out of this tragedy. Ever since she has been telling her story to many different schools and drivers' ed classes and promoting safety and the importance of wearing your seat belt. Ashley also distributes key chains with Malorie's picture and a message to "Buckle up for Mal". (Attachment 2)

Dr. Howard Rodenberg, KDHE, said unintentional injuries from motor vehicle accidents kill more Kansans age 34 and under than any other cause. It's a real public health problem. If there were an outbreak of a disease or an epidemic that killed as many people, we would be up in arms about it. Yet, we continue to let this situation sit and don't seem to be able to react it very well. Every year in Kansas we lose about 420-450 people and we see the rate continue to go up. It goes up with teen drivers as well specifically in the age group of 14 to 17. The net effect of the bill would be to save about 10 lives each year in this age group. His department also supports **SB 223**. (Attachment 3)

Cindy D'Ercole, Kansas Action for Children, said she is appearing in support of **SB 211**. The committee has heard all of the experts and they have her written testimony. She just summarized that as people work to protect

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their children and keep them safe, the biggest danger to Kansas teens is in our driveways. No matter where they are in the car, teens wear seat belts much less than adults. In 85% of teen fatalities, they were not wearing seat belts. Seat belts work and seat belt laws work. ([Attachment 4](#))

Pete Bodyk, KDOT - Written Only ([Attachment 5](#))

Dr. Dennis Cooley, American Academy of Pediatrics - Written Only (Addresses both [SB 211](#) & [SB 294](#) in his testimony) ([Attachment 6](#))

Chairman Donovan closed the hearing on [SB 211](#) and opened the hearing on [SB 294--Drivers' licenses, age requirements](#).

Proponents:

Jim Hanni, AAA, also representing the citizen's task force- Driving Force, spoke in support of the bill. The task force pledged to bring evidence based recommendation. At the top of the list of things this state needs to address to reduce car crashes, injuries, fatalities and the \$1.9 billion cost associated accidents, is fixing our system of licensing novice drivers. In 2005, there were 80 deaths, 7,000 injuries, and almost 18,000 accidents involving teen drivers. In well over half the deaths, it was someone other than the teen driver. These statistics can be greatly improved with minimal change, by implementing [SB 294](#). It's supported by over 30 organizations. Forty-five states have something similar. ([Attachment 7](#))

Dr. Robert Foss, Director of Center for Young Drivers Highway Safety Center, University of North Carolina, said his main reason for being here was to answer any questions the committee may have concerning the legislation. This really isn't about "teen drivers," it's about "beginning drivers." The problem is basically that for a beginner, driving is a terribly complex environment. Kansas statistics show that the rural environment is the one that experiences the highest number of fatal and injury crash rates. The graduated driver's license (GDL) has proven to work in this country and in the world. ([Attachment 8](#))

Secretary Deb Miller, KDOT, said they have been working very hard to lower fatalities. The task force, the Driving Force, was established and they were asked to look very specifically at lowering fatalities. It became apparent that there are a few laws that have a such a significant impact on roadway fatalities. The GDL is one of them. It is the key to decrease teen fatalities. There will be an 18 month delay should the legislation be enacted. ([Attachment 9](#))

Director Mike Watson, Director of Riley County Police Department and President of the Kansas Association of Chiefs of Police, said he was present representing both organizations to support [SB 294](#). Too often, law enforcement agencies respond to injury and fatality crashes involving teens. There is no duty they hate more than contacting parents to tell them that their novice drivers, or a passengers in their car, has been killed or seriously injured. It's equally as tough to go to someone's house to tell them their loved one was injured or killed in a traffic accident that involved a novice driver. He related a personal story involving a brother who was in an extremely bad accident. The brother, who was wearing a seat belt, was the only person in either car that survived the wreck. Mike said he always wears his a seat belt. ([Attachment 10](#))

Dr. Howard Rodenberg, KDHE , said he couldn't articulate any better than Dr. Foss and some of the other experts. His department is in support of the bill as a public health measure. Lack of time on the road correlates to increased crash rates. The net cost of the crashes the teens are involved in is about \$650 million. ([Attachment 11](#))

Col. William Seck, Kansas Highway Patrol - Written Only ([Attachment 12](#))

Steve Blackiston, National Transportation Safety Board - Written Only ([Attachment 13](#))

Jan Stegelman, Coordinator, Safe Kids Kansas - Written Only ([Attachment 14](#))

Terry Holdren, Kansas Farm Bureau - Written Only ([Attachment 15](#))

Chairman Donovan closed the hearing on [SB 294](#).

The meeting was adjourned at 9:31 a.m. The next meeting is scheduled for Wednesday, February 20th.