

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on January 19, 2010, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Scott Wells, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Mike Scott, AT & T External Affairs & Spokesperson for Coalition in Support of HB 2439
Pete Bodyk, Traffic Safety Program Manager - KDOT
Jim Hanni, Executive Vice-President, KS Region, AAA Allied Group
Don Moler, Executive Director, League of KS Municipalities
Ed Klumpp, Legislative Liaison, KS Ass'n. of Chiefs of Police, KS Sheriffs Ass'n. and KS Peace Officers Ass'n.
Sandy Braden, Gaches-Braden testifying on behalf of Alliance of Automobile Manufacturers Ass'n.
Tony Rinehart, Ford Motor Company
Dr. Jason Eberhart-Phillips, Director, Division of Health, KDHE
Major Mark Bruce, Kansas Highway Patrol

Others attending:

See attached list.

Chairman Hayzlett called the meeting to order and opened the meeting to bill introductions.

The Chairman recognized Carmen Aldritt, Director, Motor Vehicle Div. Director Aldritt asked the Committee to introduce three bills: One concerning personalized license plates, the second concerned the expiration and renewal of drivers' licenses and the third, concerned commercial driver's licenses, prohibiting diversion agreements. Representative Swanson made a motion to introduce these bills, seconded by Representative Menghini and the motion carried.

Chairman Hayzlett recognized Tom Day, Legislative Liaison, Kansas Corporation Commission. Mr. Day asked the Committee to introduce a bill relating to motor carriers; increasing the time period for verification of compliance with certain requirements. A motion was made by Representative Proehl to introduce this bill, seconded by Representative King and the motion carried.

Representative Menghini made a motion for the Committee to introduce a bill removing drivers training course requirement for restricted driver's license. The motion was seconded by Representative Long and the motion carried.

Chairman Hayzlett made a motion concerning school buses, seconded by Representative Swanson and the motion carried.

There being no more bill introductions the Chairman opened the hearing on HB 2439.

HB 2439 - Prohibiting sending, reading or writing text messages

Chairman Hayzlett recognized Mike Scott, representing AT & T. (Attachment #1). According to Mr. Scott's testimony, text messaging has experienced a tenfold increase in the past three years which means some may be doing it while driving. He said a driver who sends text messages while driving is 23 times more likely to be in a crash than one who does not, according to a study by Virginia Tech Transportation Institute. Mr. Scott explained the term texting is an all-encompassing term and that the proposed legislation would also prohibit the reading or sending of e-mail or instant messages while driving. He said the key provision of the

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on January 19, 2010, in Room 783 of the Docking State Office Building.

bill is that no person shall operate a motor vehicle on a public street or highway while using an electronic wireless communications device to type, write, send, or read a written communication. The coalition defined write, send, or read a written communication as using an electronic wireless communications device to manually type, send, or read a written communication.

The Chairman recognized Pete Bodyk, Manager of KDOT's Traffic Safety Section. (Attachment #2) Mr. Bodyk said a study conducted by Virginia Tech and the National Highway Traffic Safety Administration found that nearly 80 percent of traffic crashes are caused by some form of driver inattention within three seconds before the crash. He said a recent survey showed 46 percent of teens admitted to texting while driving. He concluded by saying a law that prohibits texting while driving will contribute to making all travelers in Kansas safer.

The next proponent for **HB 2439** was James R. Hanni, Executive Vice President, AAA Allied Group. (Attachment #3) According to Mr. Hanni, two recent surveys of the motoring public by the AAA Foundation for Traffic Safety show that 21 percent of motorists of all ages admit to text messaging while driving with young drivers being more likely to text message. He said a 2006 study involving 100 drivers taking their eyes off the road for more than two seconds doubles the risk of a crash. Another study showed commercial truck drivers who are texting while driving are 23 times more likely to crash. Mr. Hanni said a study in California showed a drop of 70 percent of drivers text messaging from pre-ban to post-ban indicating the effectiveness of California's primary enforcement law.

Don Moler, Executive Director of the League of Kansas Municipalities was the next proponent. (Attachment #4) Mr. Moler said the League was there to support this legislation as a matter of public safety. He said passing **HB 2439** would allow for statewide, enforcement and at the same time allow for dual jurisdiction with cities across the state.

Chairman Hayzlett recognized Ed Klumpp, Legislative Liaison for the Kansas Association of Chiefs of Police, Kansas Sheriffs Association and the Kansas Peace Officers Association. (Attachment #5) According to Mr. Klumpp, the Associations support passing a law prohibiting texting while driving. He said this bill developed through a cooperative coalition involving local and state law enforcement, traffic safety promoters, KDOT, telecoms, the automotive industry and others is specific to texting and does not attempt to limit telephonic cell phone use. He further said his associations believe this bill best addresses the concerns of the areas of interest involved in its development and it is their belief this bill balances the interests of public safety, legitimate exemptions, and appropriate violation sanction to encourage compliance while maintaining the violation as a traffic infraction. Mr. Klumpp said law enforcement training and experience is able to overcome, to a large degree, the enforcement challenges associated. He said while the difficulty and complexity in the enforcement of various laws will impact the ease of enforcement, this law is enforceable.

Sandy Braden, representing the Alliance of Automobile Manufacturers was the next to speak in support of **HB 2439**. (Attachment #6) According to Ms. Braden, the Alliance has voluntarily developed and implemented design guidelines when designing their vehicles to provide for integrated vehicle information systems that allow for the use of communication technologies in a safe, responsible manner. She said many of these current and new safety technologies and enhancements use wireless communications as a backbone; providing automatic crash notification, road hazard notification and real-time road navigation. As such the Alliance supports an approach that addresses the issues while preserving these technologies designed to enhance safety. She concluded by saying the Alliance requests the Committee's support in providing a ban on texting while driving using a hand-held device, and to include amendments to ensure that the use of advanced technologies in the vehicle is not prohibited.

The Chair recognized Tony Reinhart, representing Ford Motor Company. (Attachment #7) Mr. Reinhart said Ford thinks driver distraction is a critically important issue. But the reality is it is going to be difficult to stop drivers from having conversations, reading maps, getting directions and listening to music while they drive. He said Ford believes hands-free, voice-activated technology substantially reduces that risk by allowing drivers to keep their hands on the wheel and eyes on the road.. Mr. Reinhart said Ford supports a ban on hand-held text messaging while driving while not prohibiting people from using their Ford's Sync system or other systems that send hands-free messages.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on January 19, 2010, in Room 783 of the Docking State Office Building.

Chairman Hayzlett recognized Dr. Jason Eberhart-Phillips, State Health Officer and Director of Health for the Kansas Department of Health and Environment. (Attachment #8) Dr. Eberhart-Phillips said motor vehicle crashes are a serious, though preventable, public health problem, causing over 350 deaths in Kansas each year. He said unintentional injuries kill more Kansans ages 1-34 years than any other cause, and motor vehicle crashes result in nearly half of these deaths. He concluded that by using available data from recent surveys and assuming that users of text messaging comply fully with a ban on sending, reading or writing text messages while driving, we can expect that in Kansas this law will save between seven and 29 lives per year.

The last proponent was Major Mark Bruce, Kansas Highway Patrol. (Attachment #9) Major Bruce said the KHP supports efforts to prohibit a distracted driving activity known to be a frequent factor in and cause of traffic crashes. He said they would also support a more comprehensive ban on the use of electronic devices that includes cell phones. Major Bruce provided a couple of suggestions to clarify language. He also asked the Committee to consider clarifying subsection (c)(4) which provides an exception to a person using a global positioning or navigational system.

The Chairman drew the Committee's attention to written testimony submitted by Warren Chip Woods, President, Kansas County Highway Association (Attachment #10) and Lee Wright, Farmers Insurance Group (Attachment #11) in support of **HB 2439**.

Chairman Hayzlett asked if there was any opposition to this bill and no one responded.

After all questions had been answered, Chairman Hayzlett closed the hearing on **HB 2439**.

There being no further business before the Committee the meeting was adjourned. The next meeting will be on Wednesday, January 20, 2010.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 1-19-10

NAME	REPRESENTING
Dina Fisk	VERIZON WIRELESS
Rob Johnson	Federal Consulting
Ed Kump	KACP/KSA/KPOA
RON GACHES	AAA
Tony Reinhart	Ford Motor Co.
Kevin Keatley	Kansas Association of Counties
Sandy Brader	GBA
Terri Spielman	KATA
Lu Seebur	KATA
Michael McLin	KVCR
Amada Melem	KVCR
KEVIN GREGG	KMCA
Rep Phil Hermanson	State of Kansas
TOM DAY	KCC
Tom Smith	KDOR
William Taylor	
Edward Taylor	319
North City	City of Wichita

