

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:10 a.m. on January 25, 2000 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Jerry Donaldson, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Dan Hermes, Office of Governmental Affairs  
Secretary Carlson, Kansas Department of Transportation (KDOT)  
Secretary Graber, Kansas Department of Health and Environment (KDHE)  
David Geiger, Federal Highway Administration  
Colonel Don Brownlee, Kansas Highway Patrol  
Romell Cooks, National Highway Traffic Safety Administration  
Rusty James, Lenexa Police Department  
Jim Keating, Kansas Safe Kids Coalition  
Lynn Dryer, Kansas State Nurses Asso. and Kansas Emergency Asso.  
Ron Henneberg, President, Abate of Kansas, Inc.

Others attending: see attached list

The minutes of the January 20<sup>th</sup> meeting were approved on a motion by Senator Bond and seconded by Senator Goodwin. Carried.

**SB 416—an act regulating traffic, concerning the use of safety belts; penalties**

Proponents of **SB 416**:

Conferee Hermes stated that **SB 416** “provides for primary enforcement of seat belts, increases the fine for violation of the law and requires all occupants in a vehicle to wear safety belts.” He acknowledged the value of personal privacy but stated that there must be a trade-off between it and the value of protecting the lives of Kansas citizens. He further stated that motor vehicle crashes are the leading cause of death in the United States for children between 5 and 14 years of age and noted that these deaths could often have been prevented with the proper use of a safety belt. He cited several cases where lives were saved due to adherence to the seat belt law and one case where a citizen was killed because he failed to wear his seat belt. ([attachment 1](#))

Conferee Carlson presented statistical data to substantiate the claim that wearing safety belts reduces injuries and fatalities in motor vehicle crashes. He summarized the benefits of enacting **SB 416** one of which includes a federally funded monetary incentive to states for their compliance in enacting and enforcing occupant protection legislation. ([attachment 2](#))

Conferee Graeber discussed **SB 416** stating that this “primary seat belt law” would help improve the safety of citizens traveling Kansas roadways and would “assist law enforcement officers in helping to protect the public from avoidable deaths and serious injuries.” ([attachment 3](#))

Conferee Geiger summarized the function of the Federal Highway Administration and its commitment to highway safety. He discussed the basic components of highway safety: engineering, education, and enforcement elaborating on each. He stated studies reveal that states with primary enforcement laws have a higher seat belt usage than states without this law and indicated that more lives are saved through seat belt usage. He further stated that most of the costs of injuries or deaths in traffic accidents are paid by society, noting that were these incidents reduced, Kansas could realize an estimated annual savings of \$80 million. He urged passage of **SB 416**. ([attachment 4](#))

Conferee Brownlee stated that in over 400 Kansas traffic fatalities in 1998, greater than 50% of those killed

were not wearing seat belts. He discussed **SB 416** stating that the bill “is about traffic safety, saving lives, and protecting innocent citizens” and “it is not about personal choice; it’s about personal safety.” He pointed out the success of seat belt legislation in other states and discussed how the passage of this bill will assist law enforcement officers in protecting Kansas citizens. ([attachment 5](#))

Conferee Cooks discussed: how seat belts save lives and reduce injuries; current seat belt use statistics for Kansas; costs of not wearing seat belts; and effects on children. She further discussed the passage of legislation in 1998 which provides incentives for states that increase their seat belt use rates stating the amount Kansas has received since that time. Her written testimony includes a copy of a NHTSA newsletter which addresses seat belt use laws. ([attachment 6](#))

Conferee James, discussing **SB 416**, reiterated previous conferees testimony with respect to statistical data, the intent of traffic laws and the benefits of this one. ([attachment 7](#))

Conferee Keating provided statistical data relating to accidents involving children and the non- use of safety restraints. He stated studies show that a restrained driver is more likely to put their child in restraints. He urged support of **SB 461** which will increase restraint usage and decrease injuries and fatalities to Kansas children. ([attachment 8](#))

Conferee Dryer provided personal testimony regarding her work as a registered nurse with accident victims. She also provided statistical data to support the argument for passage of **SB 461**. ([attachment 9](#))

#### Opponents of **SB 461**:

Conferee Henneberg discussed several issues proponents of **SB 461** addressed. He agreed that seat belts save lives and that drivers should continue to be educated in seat belt usage and encouraged to wear them. He stated that this can be done with the current seat belt law through continued passive coercion. He discussed the need for criminal laws to protect citizens and maintain a civil society, but reminded Committee that laws must still insure individual liberty. He called **SB 461** a law of active coercion and stated “if you can justify an infringement on a small group’s liberty, for their protection, it won’t be long before there is justification to limit anyone’s liberty, for their own good.” Regarding the issue of federal funds he argued that if the law does not pass there will be no loss, for money won’t be needed to enforce a non-existent law. He stated that editorials to newspapers indicate that people support the current law and oppose changing it. ([attachment 10](#))

Written testimony opposing **SB 461** was submitted by Kenneth McNeill, Abate of Kansas.([attachment 11](#))  
Written testimony supporting the bill was submitted by Kansas Public Health Asso.([attachment 12](#)), State Farm Insurance Co.([attachment 13](#)), MADD ([attachment 14](#)), and Dr. Irving Cohen. ([attachment 15](#)).

The meeting adjourned at 11:08 a.m. The next scheduled meeting is 1-26.