

ROADS AND HIGHWAYS COMMITTEE MEETING -- February 23, 1970

The Roads and Highways Committee met in room 529 at 2:45 P. M. on February 23, 1970. Chairman Dierdorff called the meeting to order and all members were present except Representatives Madden and Talkington.

Fifty-eight opponents to the motorcycle helmet law signed the guest roster. (See attached list).

Chairman Dierdorff turned the meeting over to Representative Hayes. Mr. Hayes explained that the opponents of the helmet law had requested a hearing for February 23rd and at that time it was not known that House Bills could not be considered at that time. Since Senate Bill 162 is still in committee and could be amended, if the committee sees fit, the opponents were permitted to appear today. Mr. Hayes introduced Harley Phillips of Hutchinson.

Mr. Phillips reminded the committee that many of them appeared before the committee a year ago and the results were not too favorable. He said that he is going to use another approach today. They have to carry their helmets everywhere they go - just like others have to carry keys, and he feels that this is an unfair practice. They would like to do this on their own when they want to. The first year they were required to wear helmets there were more accidents than in the two previous years because they could not hear well with them on.

Mr. Phillips told the committee that last year he asked for the transcript of the proponents and that it was a short paragraph stating that the Safety Coordinator of the Safety

Act had appeared and said that if this safety legislation were not adopted that we would lose federal funds.

Mr. Phillips would like to find a way to accomplish a compromise where they would not have to wear helmets on a mandatory basis and also to take the pressure off the committee. Other states have accomplished this in some manner - Oklahoma by making twenty-one years of age the factor. Beyond that it becomes free will. Oklahoma has not been penalized on the federal funds. California has not even enacted legislation - in fact, eleven states have not enacted legislation to make the wearing of helmets mandatory.

In visiting with Garner Shriyer it was confirmed that people are beginning to get angry because of compulsory legislation and if that is the case it should be easier to work out something that they need and want. He would like to ask that they not be brushed aside and that the committee try in some way to reach a compromise. (See attached material)

Dave Panell said that the money involved is besides the point - that you cannot legislate away the rights of the people. There is a case before the Supreme Court right now. He said he does not want anyone legislating away his rights for a few lousy bucks - that you pay a lot of taxes when you buy a motor vehicle - that they support the people running the government and he does not want them taking away his rights.

Bill McCauley said that he enjoys using protective equipment but feels it should be the option of the individual.

He said the state has long felt parental responsibility for juveniles but an adult should be beyond this. He would like to see it not restrict a person's freedom.

Other Conferees who spoke in opposition to compulsory use of helmets were: Bill Hamm, Hutchinson; an unidentified cyclist from Hillsdale (Delmon Elrod signed register); Ken Owensby, Topeka; Bert Munson, Topeka; Al Stuckey, Hutchinson; Wright Magnuson, S. Hutchinson; Junior Homrighausen, Paola; Mrs. Magnuson.

Mr. Hayes thanked those represented for taking the time to appear before the committee.

The meeting was adjourned.

Fran Stafford, Recording Secretary

APPROVED:


ARDEN DIERDORFF, CHAIRMAN

February 24, 1970

Except as otherwise noted, the individual remarks recorded herein have not been transcribed verbatim and this record has not been approved by the committee or by the individuals making such remarks.

ROADS AND HIGHWAYS COMMITTEE MEETING

DATE: 2.23.70

GUESTS

NAME	ADDRESS	FIRM OR CORPORATION REPRESENTED
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David M. Bennett	Rt 1 Cherryvale, Kans.	
Albert L. Billingsley	R. I Mound Valley, Kan.	
Paul Bradshaw	Rt. 2 Parsons, Ks.	
W. E. Bradford Jr.	R. R. #1 Mound Valley, Kansas.	
Jerry Mc Tate	2804 So Everett Wichita Kansas	
Mary Ann Kyle	2604 Janet Atchita, Ks.	
Sam Manson		Topoka
Al Strickley		Hutchinson
Monte Warrington		Hutch
Debbie Crank		Hutch
Shirley Keeler		Assaria
Lynn Aug		Hutch.
Wright Magnuson		S. Hutch.
Richard A. Libby		Hutch
Gay Monholz		Topoka
Randall Fisher		"
George Davis		Topoka
Jany J. Cottison		Topoka
Mrs M. McCauley		Topoka
Robert H. Postle		Overland Pk.

ROADS AND HIGHWAYS COMMITTEE MEETING

DATE: 2-23-70

GUESTS

NAME	ADDRESS	FIRM OR CORPORATION REPRESENTED
Norman L. Bickel	6130 Johnson Dr. Mission Ks.	MIDWEST CYCLE CO. INC.
Jerry L. Jobe	Paola Kansas	
Arnie Bratrager	Hutchinson, Ks.	
Judd W. Shaffer	Hutchinson, Ks.	
Clarence Bentrager	Hutchinson, Kans	
Carl Wallgren	Hutchinson, KANS.	
Dwain L. Hubert	Hutchinson, Kans	
Gilbert	Healdsburg, Kans	
J. E. Crawford	Wichita, Kan.	
Kenneth L. Lintner	Emporia, Kansas	
Bill Hamm	326 ELM, So. HUTCHINSON, KS	
Tom Haravan	Hutchinson, Ks	
Richard Renken	Hutchinson Ks	
Merle Martin	Paola Kan.	
Nadine Martin	Paola, Kansas	
Mildred Homrighausen	Paola, Kansas	
John J. E. [unclear]	Wichita Kansas	
John Kern	Paola Kans	
Jack [unclear]	Paola Kansas	
Junior Homrighausen	Paola Kansas	
Donald Vickrey	Topeka Kansas	
Wayne Wenger	Topeka Kansas	
Stanley [unclear]	Massachusetts Kan	
		Miami two wheelers miami two wheelers

Sam Henderson

R#1, Box 24

Endora, KS.

Herb Nelson

1101 1/2 Elm

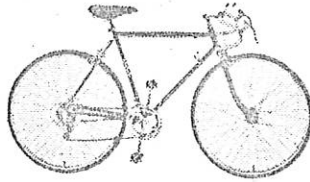
Endora, KS

Dear Mr. Dierdorff,

Just a personal
note of thanks
for the tip of
asking John to
attach an amendment
on a senate bill to
salvage our cause.

Harley Phillips

Harley's Cycle Supply



629 North Main

Hutchinson, Kansas 67501

MO 3-4321

Rep. Arden Dierdorff
Topeka, Kansas

24 Feb 1970

Dear Mr. Dierdorff

Enclosed please find copies of items
I quoted from at yesterday's hearing
before your committee concerning motor-
cycle helmet legislation.

I hope these will be helpful in
effecting a compromise measure which
allows persons over 21 years of age to
wear helmets at their discretion and makes
eye protection necessary only at speeds
exceeding 45 M.P.H.

Sincerely,
Harley V. Phillips

KNOW YOUR OKLAHOMA MOTORCYCLE LAW

RULES FOR DRIVER:

1. Obey Oklahoma Traffic Laws.
2. Persons under 21 years of age shall wear approved crash helmet with padding and chin strap. Also required for passenger.
3. Under 16: Cannot carry passengers or exceed 35 MPH.
4. Over 16: Can carry passengers ONLY if the vehicle is equipped with an extra seat and foot rests, and has 12 inches or greater wheel diameter.
5. Shall not pass other vehicles in between lanes of traffic moving in the same direction.
6. Shall not hold onto any moving vehicle for the purpose of being propelled.
7. Shall not ride upon any sidewalk.

GARNER E. SHRIVER
4TH DISTRICT, KANSAS

Room 2439
House Office Building

LESTER ROSEN
ADMINISTRATIVE ASSISTANT

MEMBER:
COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
LABOR-HEALTH, EDUCATION, AND WELFARE
FOREIGN OPERATIONS

Congress of the United States
House of Representatives

Washington, D.C. 20515

February 16, 1970

Mr. Harley Phillips
629 North Main
Hutchinson, Kansas

Dear Mr. Phillips:

This will refer to our recent telephone conversation and your request for a copy of the Federal law governing motorcycle safety. I am also in receipt of your letter of February 12, expressing your interest in more detailed information on provisions in the law relating to motorcycle helmets and the state's responsibility in meeting the motorcycle safety standards.

I am enclosing a copy of P.L. 89-564, the Highway Safety Act of 1966. This is the law under which the motorcycle safety standards were promulgated by the Department of Transportation. Also included herewith is a description of the motorcycle safety standards published by the Federal Highway Administration in the Department of Transportation. The motorcycle standard is one of fifteen standards written by the Department based on the law and intent of Congress.

This matter has been discussed with legal personnel in the Federal Highway Administration, as well as with legal counsel in the House Public Works Committee. It was pointed out by the House Committee that although the language of the 1966 law does not specifically mention motorcycles, it was the intent of Congress that motorcycles should be included in the safety standards.

Officials in the Federal Highway Administration stated that states are expected to comply with all fifteen standards, and that non-compliance may result in a 10% reduction in highway construction funds allocated to a state and may also result in a cutoff of highway research safety grants. The Transportation Secretary's authority to impose such penalties is found in

Mr. Harley Phillips

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Sec. 402 (2) (c) of the 1966 Highway Safety Act. However, the dates of December 31, 1968 and January 1, 1969, set forth in the Act as implementing dates for the individual states to obtain approval of safety programs by the Transportation Secretary, was delayed to January 1, 1970. It was recognized by the Department and the Congress that the states would need more time to work out their comprehensive programs. The delaying authority to January 1, 1970, was provided by the Congress in the Federal Aid Highway Act of 1968 which provided for the delay in the 10% fund reduction penalty if a state could show that it was making reasonable progress toward implementation of its program.

I am also informed that all states have now submitted their implementing programs to the Transportation Secretary for approval. The State of Kansas submitted its program in May 1969 and received approval on December 12, 1969.

Sincerely yours,

A handwritten signature in cursive script, reading "Garner E. Shriver".

Garner E. Shriver
Member of Congress

LAW OFFICES

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WILLIAM R. CHADEAYNE
WILLIAM H. LEIGHNER
JOHN D. BRICKER
DENNIS D. GRANT
ELBERT J. KRAM
GERALD L. DRAHER
MICHAEL F. SULLIVAN
DAVID C. CUMMINS
H. FRANKLIN CRAWFORD, III

February 16, 1970

Mr. Harley Phillips
Harley's Cycle Shop
629 North Main Street
Hutchinson, Kansas 67501

Re: Motorcycle Hardhat Legislation
and Litigation

Dear Mr. Phillips:

In response to your telephone conversation with John Eckler, I enclose a copy of a recent memorandum prepared by the Federal Highway Administration and which contains a list of helmet statutes and cases. We do not have a current list of states with helmet statutes, but Mr. Paul McCrillis of the Motorcycle Industry Council, Inc. has consented to send a list directly to you.

In addition to the cases mentioned in the enclosed list, we have penciled in states where helmet statutes recently have been found constitutional by state supreme courts.

Approximately 13 state supreme courts have held their statutes constitutional. Only the Illinois Supreme Court has found the statute unconstitutional. In addition, the highest court in Michigan to hear one of these cases also found its statute unconstitutional. Last year the Michigan legislature passed an act which will repeal its helmet law in mid-1970.

X Neither Mr. McCrillis nor I am aware of any states which have been penalized under the Federal Act. I suggest that you contact Taylor Vinson, Office of the Chief Counsel, Federal Highway Administration, 400 Sixth Street, N.W., Washington, D. C. 20591, for information concerning enforcement.

Very truly yours,

Elbert J. Kram
Elbert J. Kram

EJK:jf
Enclosure

*Washington D.C. 28337
(202) 963-1110*



Public Law 89-564
89th Congress, S. 3052
September 9, 1966

An Act

80 STAT. 731

To provide for a coordinated national highway safety program through financial assistance to the States to accelerate highway traffic safety programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HIGHWAY SAFETY

Highway Safety
Act of 1966,
72 Stat. 885.

Sec. 101. Title 23, United States Code, is hereby amended by adding at the end thereof a new chapter:

"Chapter 4.—HIGHWAY SAFETY

"Sec.

"401. Authority of the Secretary.

"402. Highway safety programs.

"403. Highway safety research and development.

"404. National Highway Safety Advisory Committee.

"§ 401. Authority of the Secretary

"The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety.

"§ 402. Highway safety programs

"(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform standards promulgated by the Secretary. Such uniform standards shall be expressed in terms of performance criteria. Such uniform standards shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance. In addition such uniform standards shall include, but not be limited to, provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, and emergency services. Such standards as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations. The Secretary shall be authorized to amend or waive standards on a temporary basis for the purpose of evaluating new or different highway safety programs instituted on an experimental, pilot, or demonstration basis by one or more States, where the Secretary finds that the public interest would be served by such amendment or waiver.

"(b) (1) The Secretary shall not approve any State highway safety program under this section which does not—

"(A) provide that the Governor of the State shall be responsible for the administration of the program.

"(B) authorize political subdivisions of such State to carry out local highway safety programs within their jurisdictions as a

ROADS AND HIGHWAYS COMMITTEE MEETING

DATE: 2-23-31

GUESTS

NAME

ADDRESS

FIRM OR CORPORATION REPRESENTED

Richard J. Warrington Topeka Topeka Motorcycle Assn.

Delbert Donald " " 2015 "

Billy M. Swann 3811 Fremont - Topeka -

Harley V. Phillips 629 No Main Hutchinson, Kansas

Roger Hunter 701 Watson Topeka

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