

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m., on February 16, 2011, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Scott Wells, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Jill Shelley, Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Representative Tom Burroughs
Representative Richard Proehl
Representative Vince Wetta

Chairman Hayzlett called the meeting to order and opened the hearing on **HB 2192**.

HB 2192 – Making seat belt regulations part of uniform act regulating traffic on highways

Chairman Hayzlett recognized Representative Tom Burroughs. (Attachment #1) According to Representative Burroughs part of this much debated issue concerned the amount of fine assessed to violators. The legislature recommended an educational period of one year be implemented. After the warning or educational period the fine would be \$5 for the first year and the second year fine would be \$10. He said the legislative intent was to address seat belt safety and felt legislature needed to once again restate their intent. He concluded by asking the committee to favorably pass **HB 2192**.

The Chairman recognized Representative Proehl who encouraged support of **HB 2192** because the original intent of legislature was for fines to be \$5 per violation the first year and \$10 per violation in subsequent years. (Attachment #2) He said this bill prohibits the practice of some cities enacting and enforcing higher fines and court costs.

The next conferee was Representative Wetta. (Attachment #3) He also spoke in support of **HB 2192**. He felt this bill was necessary because of excesses by some city and government entities in the implementation of the seat belt law.

Chairman Hayzlett referred to his written comments (Attachment #4). He said he had asked that this bill be drafted because he had received many calls from people asking why they were getting fined in excess of what the state law provides. After inquiring into this matter staff advised him that some cities were using their home rule authority to circumvent the intent of the bill originally passed. According to Representative Hayzlett the express purpose of the original bill was safety, not money.

The Chairman drew the committee's attention to Neutral testimony submitted by Jim Hanni, Executive Vice President, AAA Allied Group (Attachment #5). Chairman Hayzlett also drew the

CONTINUATION SHEET

committee's attention to Written Testimony submitted by Larry Baer, Assistant General Counsel, League of KS Municipalities in opposition to this bill. (Attachment #6).

The Chairman asked if there were any other proponents or opponents present who wanted to address the committee. No one came forward.

The Chairman then asked if anyone else wanted to speak on this subject and some members made comments pertaining to calls they had received and the intent of the original bill. Chairman Hayzlett's final comment was that this bill was not proposed to be punitive but to maintain consistency with the intent of the original bill.

When there were no more comments Chairman Hayzlett closed the hearing on **HB 2192**.

Under Announcements Pat Hubbell spoke to the committee briefly about the March 8th tour to the Johnson County Community College/Engineer Training Center.

There being no further business before the committee, the meeting was adjourned with plans to meet on February 17, 2011.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-16-11

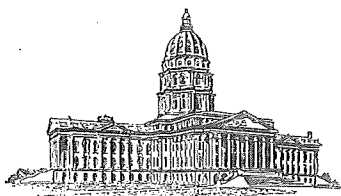
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STATE OF KANSAS

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INSURANCE COMMITTEE
LEGISLATIVE BUDGET
LEGISLATIVE POST AUDIT
JT COMMITTEE ON STATE-TRIBAL
RELATIONS
KANSAS ATHLETIC COMMISSION

Thank you Chairman Hayzlett, Vice Chair Prescott, Ranking Democratic Member Wetta, and Transportation Committee Members for giving me the opportunity to testify today on House Bill 2192.

As many of us know this is an issue that brought forth much debate about personal freedom, excessive policing authority and road way safety.

Of much concern was the amount of fine assessed to the violation. The legislature in its wisdom recommended a warning (education) period be implemented. Upon expiration of the warning period, the first year fine would be \$5 and the second year fine of \$10 would be assessed.

It has now become apparent that our attempt to address seat belt safety has become, for the sake of discussion, a cash cow for some localities. That was not our intent, and therefore, we should take this time to once again restate our intent.

It is the opinion, of many, we address the inconsistency in regards to fines and strongly state the legislatures intent when we proposed the amounts. Our intent was not to include additional court costs. Recent data shows compliance has increased, which I submit is important.

I stand in support of House Bill 2192 and ask the committee to move it out favorably.

Representative Tom Burroughs

House Transportation
Date: 2-16-11
Attachment # 1

STATE OF KANSAS

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HOUSE OF
REPRESENTATIVES

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MEMBER: ENERGY AND UTILITIES
INSURANCE
JOINT COMMITTEE ON PENSIONS,
INVESTMENTS & BENEFITS
TRANSPORTATION

February 16, 2011

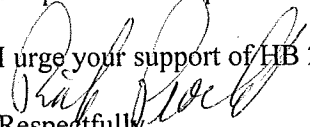
House Transportation Committee

Good afternoon Chairman Hayzlett and Members of the Transportation Committee.

I am here in support of HB 2192.

The original intent of the legislation in 2010 was for fines the first year to be \$5 per violation and \$10 per violation in subsequent years. Some cities have enacted and enforced higher fines and court costs. This bill prohibits that practice.

I urge your support of HB 2192.


Respectfully,
Rich Proehl

House Transportation
Date: 2-16-11
Attachment # 2

State of Kansas
House of Representatives



Vince Wetta

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MEMBER: AGRICULTURE AND NATURAL
RESOURCES
TRANSPORTATION
TRANSPORTATION & PUBLIC
SAFETY BUDGET

February 16, 2011

Chairman Hayzlett
House Transportation Committee
State Capitol Building
300 W 8th Street
Topeka, KS 66612

Re: HB2192

Dear Chairman Hayzlett and Committee Members,

I am here to testify in support of HB2192. Because of some excesses in the implementation of the seat belt law by certain city and government entities, this bill would make uniform the regulations on Kansas highways.

Vince Wetta

A handwritten signature in black ink that reads "Vince". The signature is stylized with a large, flowing "V" and a cursive "ince".

State Representative, 80th District

House Transportation
Date: 2-16-11
Attachment # 3

STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

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CHAIR: TRANSPORTATION
MEMBER: TAXATION
AGRICULTURE & NATURAL
RESOURCES

TESTIMONY, HB 2192

By Representative Gary Hayzlett

February 16, 2011

HOUSE TRANSPORTATION COMMITTEE

I had **HB 2192** drafted and introduced because of the many calls I received questioning why they were getting fined in excess of what the state law defined. After inquiring of my revisor found out some of the cities were using their home rule to circumvent the intent of the bill we passed with the agreed language setting the fines.

A similar action was taken after the Concealed Carry bill was passed and again we had to pass a trailer bill to correct that action.

It was expressly conveyed to me it wasn't the dollars - it was a safety issue. Now it seems to be used as a revenue generator.

House Transportation
Date: 2-16-11
Attachment # 4



TESTIMONY, HB 2192
Presented by James R. Hanni,
Exec. V.P., Kansas Region & Public Affairs
AAA Allied Group
February 16, 2011
House Transportation Committee

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AAA wishes to provide information to the Committee from recent National Highway Traffic Safety Administration (NHTSA) research on the relationship between seat belt usage -- and enforcement laws and fines. A NHTSA summary of that study is attached.

The single most effective means of cutting the human and financial costs to state government and the citizens of Kansas from motor vehicle crashes, is wearing a seat belt.

Illustrating the importance of seat belt countermeasures, Kansas each year loses about 45 people in motor vehicle crashes involving teen drivers. In those crashes, we find 75 percent of them NOT restrained. Conversely, in all the other non-fatal/non-seriously injured teen driver crashes, 90 percent ARE restrained.

For crashes involving ALL drivers of passenger vehicles in 2009, KDOT reports 304 occupants killed and only 37 percent wearing seat belts. Of the 1,346 occupants who received disabling injuries that year, only 56 percent were wearing seat belts. Again conversely, of those occupants of passenger car crashes with no injuries 90 percent were wearing seat belts. The human cost is incalculable. The financial cost from crashes to Kansas is \$1.9 billion in medical expenses, lost productivity, property damage and lost quality of life. That's over \$700 to every Kansan, each year, according to NHTSA, whether you're involved in a crash directly or not. In fact, about 74 percent of crash costs are paid by citizens not involved in crashes.

The NHTSA study, released November, 2010, points to primary enforcement seat belt laws and fines as proven countermeasures to raise usage. In addition to clearly showing the correlation between raising fines and higher seat belt usage, the study revealed 26 states had raised their total penalties by at least \$5, between 2000-2008. The average penalty increased from \$39 to \$70 for these states.

Belt usage increased by an average of 9.1 percent for these states, while the 24 states that averaged slight declines experienced a 6 percent increase in usage. States with increases in fines experienced a 50 percent greater improvement in seat belt usage than those with decreases. Higher fines were associated with higher seat belt use, particularly in more recent years. An upgrade from secondary to primary enforcement laws was associated with 9, 10, even 12 percent increases in usage, depending on the measurement method, and the increase is additive to the increase associated with a fine increase. However, because Kansas' fine established with its primary enforcement law last year was minimal (\$5/\$10), these increases in seat belt usage from establishment of our primary law are unlikely.

The study concludes higher fines produce higher compliance, along with primary enforcement laws and high-visibility enforcement.

House Transportation
Date: 2-16-11
Attachment # 5



Primary Laws and Fine Levels Are Associated With Increases in Seat Belt Use, 1997–2008

Increasing seat belt usage in the United States has proved to be a slow and difficult task. It has taken about 30 years since NHTSA conducted the first seat belt and child restraint workshops in 1978 to reach 84% usage in 2009. In general, seat belt laws and their enforcement have received the greatest emphasis since 1984. There has been less emphasis on increasing fine amounts as a means to increase usage, in spite of positive circumstantial and research evidence.

Bedford Research and the Pacific Institute for Research and Evaluation conducted a study for NHTSA to determine the relative impact of primary seat belt laws and fine amounts on seat belt usage. This research examined changes in usage associated with past activities and estimated gains that might be expected in the future.

Analytic Method

This study determined the impact of various predictors on two measures of seat belt use, using panel regression analyses. The first measure was the percentage of buckled front-seat occupants over age 8 killed in passenger vehicles, as found in NHTSA's Fatality Analysis Reporting System (FARS), which is a census of all crashes involving fatalities in the United States. Because seat belt use among the fatally injured is consistently measured, FARS use is a reliable estimate of belt use. The second measure was the percentage of front-seat occupants of passenger vehicles observed to be buckled up in annual statewide observational surveys conducted by each State in accordance with criteria established by NHTSA.

Penalties (Fines Plus Fees) for Seat Belt Violations

Based on information obtained from the States, penalty amounts (fines plus fees and court costs) have increased over the past decade. The sum of these charges averaged \$35 in 2000 and \$49 in 2008. Twenty-six States increased their total penalty by at least \$5. In these 26 States, the average penalty increased from \$39 to \$70. FARS use increased by an average of about 9.1 percentage points. In the remaining 24 States, there was a small decline (on average) in total fine-and-fee amount, from \$30 in 2000 to \$26 in 2008. FARS use increased by 6 points in these 24 States, about two-thirds the gain experienced by the 26 States that increased their total fine plus fee assessments.

High-Belt-Use States Versus Low-Belt-Use States

States were ranked by their two most recent years of observed seat belt use (2007-2008) and placed into three groups based on these rankings. They were: "Top 10," "Bottom 10," and a

"Middle" group of 30 States plus the District of Columbia. Nine of the 10 States with the highest use had primary seatbelt laws; nearly half of the middle group had such laws; and only 3 of the 10 States with the lowest use had primary laws. New Hampshire, among the 10 States with the lowest use, has no adult seat belt law.

Table 1 shows that the top 10 States had the highest fines, highest overall penalties (fines and fees), and the highest per capita *Click It or Ticket* (CIOT) citation rates, compared with the middle and bottom groups. States with the lowest seat belt use rates had the highest per capita expenditures for paid media during May CIOT mobilizations.

Table 1. High-, Middle-, and Low-Seat-Belt-Use States*

	Top 10 States (Average)	Middle 31 States (Average)	Bottom 10 States (Average)
Observed Belt Use (2007-08)	94.0%	84.0%	71.7%
FARS Belt Use (2006-07)	59.2%	45.2%	33.5%
Fines Only (2003-08)	\$52.63	\$23.58	\$24.67
Fines + Fees (2008)	\$81.62	\$43.79	\$26.28
Citations, per 10K pop. (2003-08)**	23.0	21.7	13.4
Media \$, per capita (2003-08)**	\$0.07	\$0.08	\$0.09

* States were grouped on the basis of observed statewide seat belt use rates in 2007 and 2008.

** During the national *Click It or Ticket* seat belt campaign.

Impact of Law Type, Fines, Enforcement, and Media

There were two time periods examined in this study: 1997-2002, a period of *Operation Always Buckle Children* (ABC) mobilizations, and 2003-2008, a period of CIOT mobilizations.

Primary seat belt laws (versus secondary laws) had the most consistent impact on seat belt usage across the two time periods. Table 2 shows that primary laws accounted for 10- to 12-percentage-point increases in seat belt usage among occupants observed during daytime hours (observed use) and 9-point increases among occupants killed in crashes (FARS use).

Higher fines were associated with higher seat belt use, particularly in the most recent time period (2003-2008). The results showed that increasing the fine amount from \$5 to \$25 had approximately the same effect as changing the fine from \$25 to \$60; both were associated with 3- to 4-point increases in usage in primary or secondary law States. A fine increase of \$60 to \$100 was associated with gains of 2 to 3 percentage points in belt use. Little improvement was associated with fines above \$100, but there were few States with fines above this level.

Table 2. Percentage-Point Increases in Seat Belt Use Associated With Laws and Fine Amounts

Percentage Point Increase in Seat Belt Use				
	1997 – 2002 Period		2003 – 2008 Period	
	FARS	Observed	FARS	Observed
Law Upgrade				
Primary vs. Secondary	+9.1	+11.9	+9.0	+10.4
Fine Increase				
\$5 to \$100	+9.4	+8.7	+10.6	+10.8
\$5 to \$25	+3.3	+3.1	+3.8	+3.8
\$25 to \$60	+3.3	+3.1	+3.7	+3.8
\$60 to \$100	+2.7	+2.5	+3.1	+3.1

Enforcement, as reported during the two weeks of the mobilizations each year, was related to higher FARS and observed seat belt use. These measures, however, were deemed too unreliable to estimate potential gains in annual seat belt use because of reporting limitations.

Media expenditures as reported during the two CIOT weeks were not associated with increases in usage after accounting for variations associated with laws, fines, and enforcement. Some low-use States focused on media more than actual enforcement.

Effect on the Odds of Seat Belt Use

The analysis also examined the change in the odds of seat belt use associated with each predictor. The odds ratio is a measure of the odds of being buckled up in any given year, divided by the odds of being buckled in the baseline year. This measure is more sensitive to relative change for States that already have high use rates. Table 3 shows the percent increase in the odds of seat belt use. Primary laws (versus secondary laws) were associated with 7.9 to 26.2 percent increases in the odds of belt use. A fine increase from the median \$25 to \$100 was associated with 11.3 to 29.6 percent increases in belt use.

Table 3. Percent Increases in Odds of Seat Belt Use Associated With Laws and Fine Amounts*

	Percent Increase in Odds of Seat Belt Use			
	1997 – 2002 Period		2003 – 2008 Period	
	FARS	Observed	FARS**	Observed
Law Upgrade				
Primary vs. Secondary	17.9	26.2	7.9	20.0
Fine Increase				
\$5 to \$100	35.7	25.1	22.5	59.1
\$5 to \$25	27.7	19.5	17.5	45.9
\$25 to \$60	17.9	12.6	11.3	29.6
\$60 to \$100	9.8	6.9	6.2	16.2

* Percentage change is relative to baseline: 1995–1996 for the Operation ABC period and 2000–2002 for the CIOT period.

** FARS use was based on 2003–2007 for the CIOT period.

Summary and Conclusions

These analyses confirmed that primary seat belt laws and fine increases were associated with higher use rates and with increases in the odds of being buckled.

1. Fine amounts were consistently associated with seat belt use across the two time periods and for both FARS and observed belt use. An increase in fine level from \$25 (the current median value in both primary and secondary law States) to \$60 was associated with a 3- to 4-percentage-point increase in both FARS and observed seat belt use. Increasing a State's fine level from \$25 to \$100 was associated with a 6- to 7-point increase in both use rates.
2. An upgrade from secondary to primary enforcement was associated with a 10- to 12-percentage-point increases in observed use and 9-point increases in FARS use. This increase is additive to the increase associated with a fine increase.

In summary, increasing fine levels is a strategy that has potential to further raise seat belt use, in addition to primary law upgrades and high-visibility enforcement. Although the regression analyses did not find a statistically significant effect associated with media, the public needs to be aware of laws and fine changes before compliance is likely. Publicizing fine increases is essential for maximizing their effectiveness.

How to Order

To order *Strategies to Increase Seat Belt Use: An Analysis of Levels of Fines and the Type of Law* (40 pages plus appendices), write to the Office of Behavioral Safety Research, NHTSA, NTL-130, 1200 New Jersey Avenue SE., Washington, DC 20590, fax 202-366-7394, or download from www.nhtsa.gov.

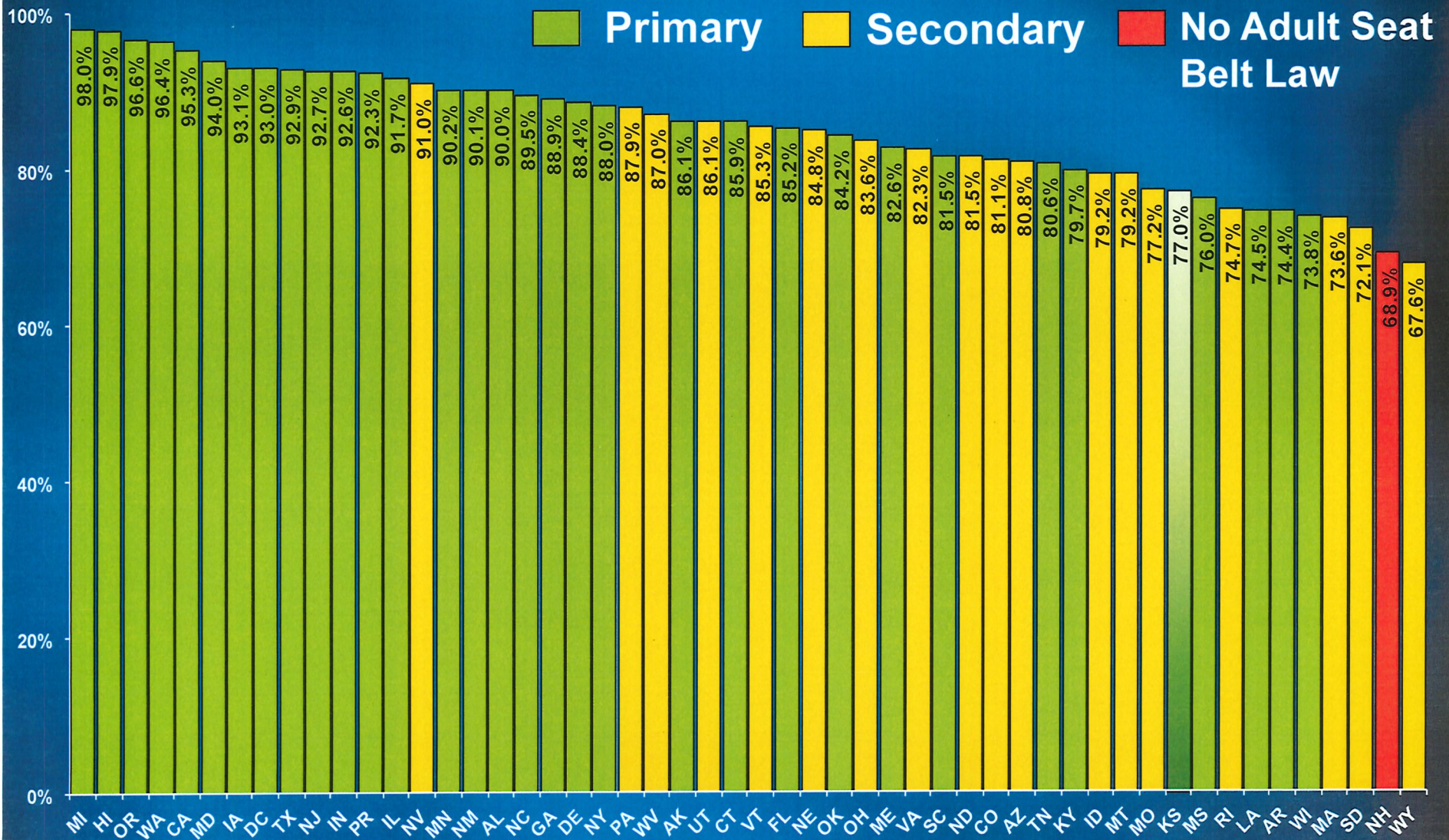


U.S. Department of Transportation
National Highway Traffic Safety Administration

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TRAFFIC TECH is a publication to disseminate information about traffic safety programs, including evaluations, innovative programs, and new publications. Feel free to copy it as you wish. If you would like to receive a copy, contact Dr. Angela Eichelberger, Editor, fax 202-366-7394, e-mail: angela.eichelberger@dot.gov.

2009 Seat Belt Use Rates By Law Type and State



State surveys conducted in accordance with Section 157, Title 23, U.S. Code

Primary Laws were recently passed in AK, KY, MS (2006); ME (2007); AR, FL, MN, WI (2009); KS (2010)

5-4



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Date: February 16, 2011
To: House Committee on Transportation
From: Larry R. Baer
Assistant General Counsel
Re: HB 2192
Written Testimony in Opposition

Thank you for allowing me to appear before you today and present testimony in opposition to HB 2192 on behalf of the League of Kansas Municipalities and its member cities.

HB 2192 would incorporate K.S.A. 8-2204, the mandatory seat belt law, into the uniform act regulating traffic. The bill would also clarify that when charged, a violation of K.S.A. 2208 would not have any court costs imposed. Finally, HB 2192 would preempt cities from taking any action to adopt any local regulation that would act in addition to, as a supplement to or be in conflict with the language contained in K.S.A. 8-2204.

The League of Kansas Municipalities has never taken a position on "primary seat belt" usage. And, we do not stand in opposition to such at this time. Rather, we stand in opposition of the mandate preempting a city's ability to determine what constitutes an offense and what type of penalties should be imposed when a violation occurs.

The League has no issues with the State setting fines and limitations or restrictions on court costs on offenses when charged as state violations. However, we do believe that cities should be able to exercise their home rule authority and determine, as a matter of local policy, what is appropriate for fines and court costs on violations committed and prosecuted within their corporate limits.

For this reason, the League of Municipalities opposes HB 2192.

Thank you.

House Transportation
Date: 2-16-11
Attachment # 6