

## MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on February 17, 2011, in Room 783 of the Docking State Office Building.

All members were present except  
Representative Don Hill, excused

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

Conferees appearing before the Committee:  
James R. Hanni, Executive Vice President, AAA Allied Group

Others attending.  
See attached list.

Chairman Hayzlett opened the meeting with comments that one of the conferees on **HB 2192** had inadvertently not been heard during the hearing on that bill and wanted to give him the opportunity to be heard today. With that the Chairman recognized James R. Hanni, representing AAA Allied Group. (Attachment #1) Mr. Hanni said the purpose of his testimony was to provide information to the committee. He had attached a National Highway Traffic Safety Administration summary of a study on the relationship between seat belt usage and enforcement laws and fines. Mr. Hanni said the study, released November, 2010, points to primary enforcement seat belt laws and fines as proven countermeasures to raise usage. He said there was a clear correlation between raising fines and higher seat belt usage.

There were no questions from the committee members.

The Chairman advised the committee he wanted to work two bills today, **HB 2034** and **HB 2192**.

Chairman Hayzlett sought discussion and action on **HB 2034**. Staff briefed the committee on the bill.

Representative Worley moved **HB 2034** favorable for passage, seconded by Representative Hildabrand. A vote was taken with 11 members voting in favor of passage. The motion carried.

Chairman Hayzlett sought discussion and action on **HB 2192**. The Chairman had asked staff to prepare an amendment to **HB 2192** to amend the language from the original **HB 2058** into **HB 2192**. The balloon amendment was handed out to the committee. (Attachment #2)

## CONTINUATION SHEET

Representative Swanson made a motion to favorably pass **HB 2192** from committee, seconded by Representative Grant. Representative Pottorff made a motion to amend **HB 2192** to include bicycles, seconded by Representative Swanson and the motion to amend carried. Representative Grant moved **HB 2192, as amended**, favorable for passage, seconded by Representative Pottorff and the motion carried.

The Chairman announced that there would not be a meeting Friday, February 18th or Monday, February 21, 2011.

There being no other business before the committee, the meeting was adjourned.

## HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-17-11

[illegible]



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

AAA Allied Group, Inc.  
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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: 2-17-11  
Attachment # 1





# 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
<b>Law Upgrade</b>				
Primary vs. Secondary	+9.1	+11.9	+9.0	+10.4
<b>Fine Increase</b>				
\$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
<b>Law Upgrade</b>				
Primary vs. Secondary	17.9	26.2	7.9	20.0
<b>Fine Increase</b>				
\$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](http://www.nhtsa.gov).



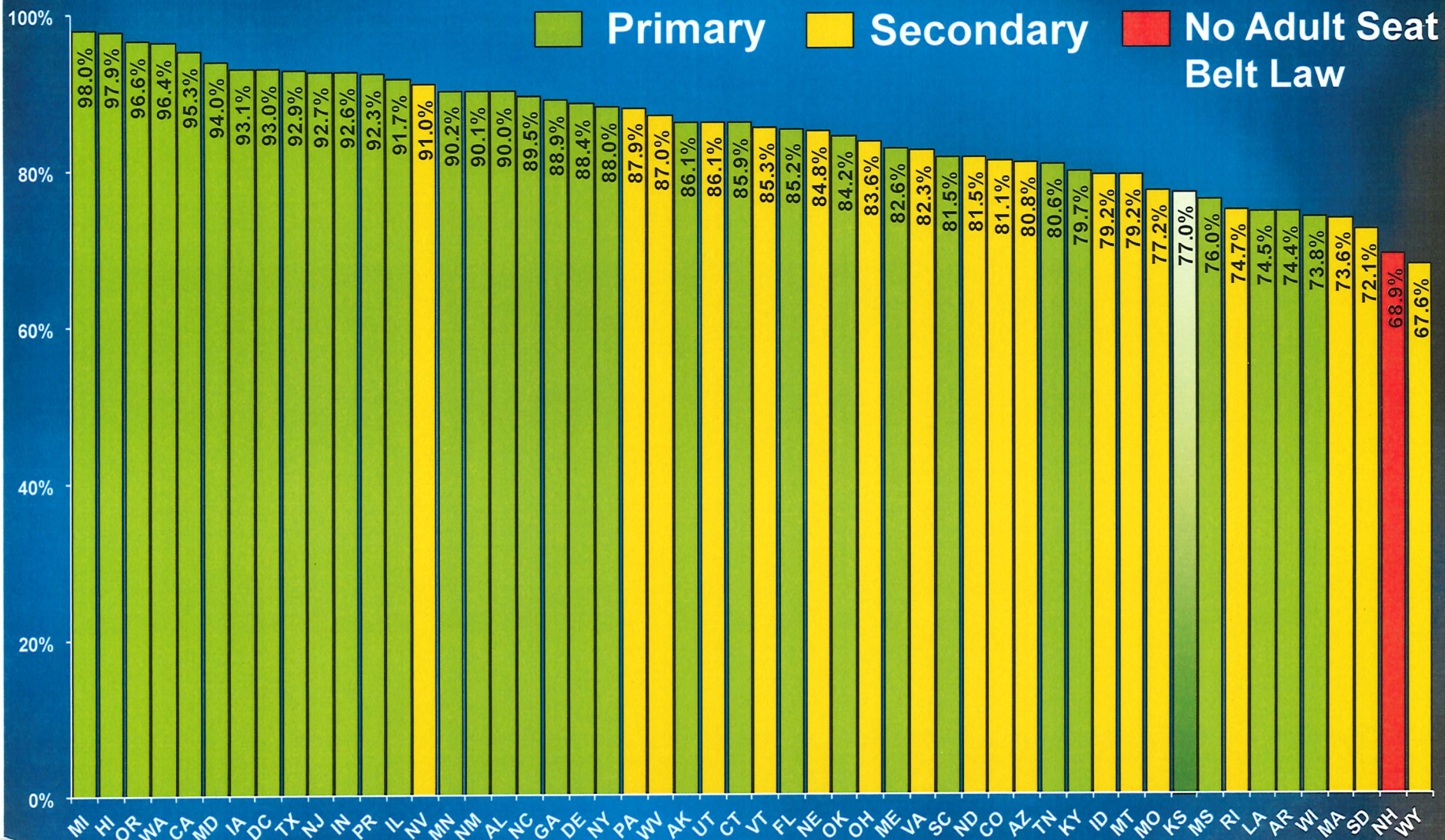
U.S. Department of Transportation  
**National Highway Traffic Safety  
Administration**

1200 New Jersey Avenue SE., NTL-130  
Washington, DC 20590

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](mailto: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)

1-4

## HOUSE BILL No. 2192

By Committee on Transportation

2-7

Proposed Amendment to HB 2192

Committee on Transportation

Prepared By: Scott Wells

House Transportation  
Date: 2-17-11  
Attachment # 2

regulating traffic

concerning

8-1508

and

traffic controlled lights

See insert

Sec. 2.

3.

1 AN ACT ~~concerning motor vehicles; relating to safety belts; uniform act~~  
2 ~~regulating traffic on highways; amending K.S.A. 8-2204 and K.S.A.~~  
3 ~~2010 Supp. 8-2503 and 8-2504 and repealing the existing sections.~~

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6  
7 Section 1. ~~K.S.A. 8-2204 is hereby amended to read as follows: 8-~~  
8 ~~2204. This act shall be known and may be cited as the uniform act~~  
9 ~~regulating traffic on highways. The uniform act regulating traffic on~~  
10 ~~highways includes K.S.A. 8-1560a through 8-1560d; all sections located~~  
11 ~~in articles 10, and 14 through 22 and 25 of chapter 8 of Kansas Statutes~~  
12 ~~Annotated; K.S.A. 8-1,129, 8-1,130a, 8-1428a, 8-1742a, 8-2118 and~~  
13 ~~K.S.A. 8-1599, and amendments thereto.~~

14 Sec. 2. ~~K.S.A. 2010 Supp. 8-2503 is hereby amended to read as~~  
15 ~~follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345,~~  
16 ~~and amendments thereto, and in subsection (b) or (c) subsection (b):;~~

17 (1) Each occupant of a passenger car manufactured with safety  
18 belts in compliance with federal motor vehicle safety standard no. 208,  
19 who is 18 years of age or older, shall have a safety belt properly fastened  
20 about such person's body at all times when the passenger car is in motion  
21 ;; and

22 (b)(2) each occupant of a passenger car manufactured with safety  
23 belts in compliance with federal motor vehicle safety standard no. 208,  
24 who is at least 14 years of age but less than 18 years of age, shall have a  
25 safety belt properly fastened about such person's body at all times when  
26 the passenger car is in motion.

27 (c)(b) This section does not apply to:

28 (1) An occupant of a passenger car who possesses a written  
29 statement from a licensed physician that such person is unable for  
30 medical reasons to wear a safety belt system;

31 (2) carriers of United States mail while actually engaged in delivery  
32 and collection of mail along their specified routes; or

33 (3) newspaper delivery persons while actually engaged in delivery  
34 of newspapers along their specified routes; or

35 (4) ~~an occupant of a passenger car required to be protected by a~~



1 ~~safety restraining system under the child passenger safety act.~~

2 ~~(d)(c)~~ The secretary of transportation shall initiate an educational  
3 program designed to encourage compliance with the safety belt usage  
4 provisions of this act.

5 ~~(e)(d)~~ The secretary shall evaluate the effectiveness of this act and  
6 shall include a report of its findings in the annual evaluation report on its  
7 highway safety plan that it submits under 23 U.S.C. § 402.

8 ~~(f)(e)~~ Law enforcement officers shall not stop drivers for violations  
9 of subsection (a)(1) by a back seat occupant in the absence of another  
10 violation of law. A citation for violation of subsection (a)(1) by a back  
11 seat occupant shall not be issued without citing the violation that initially  
12 caused the officer to effect the enforcement stop.

13 ~~Sec. 3-1 K.S.A. 2010 Supp. 8-2504 is hereby amended to read as~~  
14 ~~follows: 8-2504. (a) (1) From and after the effective date of this act and~~  
15 ~~prior to June 30, 2010, a law enforcement officer shall issue a warning~~  
16 ~~citation to anyone violating subsection (a) of K.S.A. 8-2503, and~~  
17 ~~amendments thereto;~~

18 ~~(2) from and after June 30, 2010, until July 1, 2011, Persons~~  
19 ~~violating subsection (a)(1) of K.S.A. 8-2503, and amendments thereto,~~  
20 ~~shall be fined \$5 including and no court costs;~~

21 ~~(3) and, from and after July 1, 2011, persons violating subsection (a)~~  
22 ~~(1) of K.S.A. 8-2503, and amendments thereto, shall be fined \$10~~  
23 ~~including and no court costs; and~~

24 ~~(4)(2) persons violating subsection (b)(a)(2) of K.S.A. 8-2503, and~~  
25 ~~amendments thereto, shall be fined \$60 including and no court costs.~~

26 (b) No court shall report violation of this act to the department of  
27 revenue.

28 (c) Evidence of failure of any person to use a safety belt shall not be  
29 admissible in any action for the purpose of determining any aspect of  
30 comparative negligence or mitigation of damages.

31 (d) *The provisions of this section shall be applicable and uniform*  
32 *throughout the state and no city, county, subdivision or local authority*  
33 *shall enact or enforce any law, ordinance, rule, regulation or resolution*  
34 *in conflict with, in addition to, or supplemental to, the provisions of this*  
35 *section.*

36 ~~Sec. 4-1 K.S.A. 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 are~~  
37 ~~hereby repealed.~~

38 ~~Sec. 5-1 This act shall take effect and be in force from and after its~~  
39 ~~publication in the Kansas register.~~

4.

6.

5.

8-1508  
and

Section 1. K.S.A. 8-1508 is hereby amended to read as follows: 8-1508. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) *Green indication.* (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) *Steady yellow indication.* (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) *Steady red indication.* (1) Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2) ~~and~~, (3) ~~and~~ (4) of this subsection. Any turn provided for in said paragraphs (2) ~~and~~, (3) ~~and~~ (4) shall be governed by the applicable provisions of K.S.A. 8-1545, and amendments thereto.

(2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless a sign is in place prohibiting a turn, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) The driver of a motorcycle facing any steady red signal, which fails to change to a green light within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle because of its size or weight, shall have the right to proceed subject to the rules applicable after making a stop at a stop sign under K.S.A. 8-1528, and amendments thereto.

~~(4)~~ (5) Unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.