

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 20, 2007 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Mike Corrigan, Revisors of Statutes
Maggie Breen, Committee Assistant

Conferees appearing before the committee:

Janette Fennell, Kids and Cars
Dr. Dennis Cooley, Kansas Chapter American Association of Pediatrics
Ed Klumpp, Kansas Association of Chiefs of Police
Lori Haskett, KDHE
Dr. Jeffrey Colvin, Safe Kids Kansas
Phyllis Lavimore, Mercy Hospital

Others attending:

See attached list.

Chairman Donovan opened the hearing on **SB 77--Unattended and unsupervised children in motor vehicles safety act.**

Proponents:

Janette Fennell, Kids and Cars, is dedicated to eliminating the common practice of children being left unattended in or around motor vehicles. Children are dying in Kansas because of this practice. She told of a child who was strangled to death by a power window, the mother being unaware that this was even possible as there were no warnings. The law is need to raise public awareness of the dangers involved. (Attachment 1) She showed a number of Public Service Announcements.

Dr. Dennis Cooley, Kansas Chapter American Association of Pediatrics, supports **SB 77**. Children left in vehicles unattended are subject to many dangers. In a study covering 2000 and 2001, there were approximately 9,000 injuries and 78 deaths. Of the 78 deaths, most were due to hyperthermia which can occur within a very short period of time. A recent study showed that 1 in 3 persons admitted to leaving a child under 6 alone in a car. Educational and law enforcement elements are needed. The bill provides both. (Attachment 2)

Lori Haskett, Director of Injury Prevention Program KDHE, stated the injures and deaths we're looking at are completely preventable. Excessive heat exposure was the most common cause of death. When the outside temperature is 80 degrees, the temperature inside can reach 110 degrees within 5 minutes. And when the temperature ranges from 72 to 96 degrees it will raise about 40 degrees within the vehicle. (Attachment 3)

Ed Klumpp, Kansas Association of Chiefs of Police, presented the written testimony of Ken Parker who was unable to attend. It related two incidents Ken was familiar with where children died in cars after being left unattended. One involved excessive heat and the other involved a vehicle rolling into a body of water and the child drowning. Ed asked that the bill be passed so that law enforcement would have a low level enforcement tool with a fine. He mentioned that in some cases the cars are stolen and driven away with the child in them. In other cases the driver thinks they leave the car in park yet it rolls out into the roadway. The only thing he would point out, that would be a slight improvement, is if the committee would consider putting in language that would release the officer from any liability for any reasonable damage incurred when following page 1, line 36, section (f). (Attachment 4)

Dr. Jeffrey Colvin, Safe Kids Kansas, said he was in agreement with the previous conferees and chose to put a little bit different face on the danger. It's extremely dangerous to the child involved; but sometimes it's also dangerous to others. The committee was provided with written testimony from Mr. Terrell Stratman who was with his family in the park. Unknown to him, there was a van in a nearby parking lot with 2 unattended children in it. One of the children put the car in drive and it rolled down a hill, sped up, and hit

CONTINUATION SHEET

MINUTES OF THE Senate Transportation Committee at 8:30 A.M. on February 20, 2007 in Room 527-S of the Capitol.

Mr. Stratman's wife and Harrison, his 2 year old son. The wife is still recovering from her injuries but Harrison was pronounced dead later that evening. So, it's really a public danger. Please support **SB 77**. (Attachment 5)

Phyllis Lavimore, nurse at Mercy Hospital, said she can't tell the committee the hospital has seen a lot of children injured because of being unattended. She can tell the committee that it happens. She says she notices children being left alone in cars. She wants to assure the committee that Children's Mercy Hospital stands behind the bill. (Attachment 6)

KDOT, Written Only (Attachment 7)

Kansas Child Death Review Board, Written Only (Attachment 8)

Kansas PTA, Written Only (Attachment 9)

AAA, Written Only (Attachment 10)

Kids in Cars, Written Only (Attachment 11)

Kansas Highway Patrol, Written Only (Attachment 12)

Advocates for Highway and Auto Safety (Attachment 13)

Chairman Donovan closed the hearing on **SB 77** and worked the following bills:

SB 210--County treasurers shall be deemed agents of the state for certain purposes.

SB 211--Safety belts, primary enforcement for occupants under 18 years of age.

SB 294--Drivers' licenses, age requirements.

SB 210:

Senator Wilson presented an amendment to **SB 210** deleting the text on page 5, starting with the last word on line 2 (Any) through line 7 and replaced it with the words "When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas."

The amendment contained compromised language agreed to by Steve Kearney and Carmen Alldritt and was in lieu of the amendment presented by Carmen Alldritt on February 14. (Attachment 14)

Senator Wilson make a motion to approve the amendment. Senator Schmidt seconded the motion. The motion carried. Senator Wilson made a motion to pass SB 210 as amended favorable for passage. Senator Palmer seconded the motion. The motion carried. Senator Wilson would carry the bill.

SB 211:

Senator Schmidt made a motion to raise the fine from \$10 to \$60. Senator Hensley seconded the motion. The motion failed.

Senator Schmidt made a motion to pass SB 211 as written out favorable for passage. Senator Petersen seconded the motion. The motion carried. Senator Schmidt would carry the bill.

SB 294:

Senator Journey made a motion to pass SB 294 out favorable. Senator Apple seconded the motion. The motion carried. Senator Journey will carry the bill.

The meeting adjourned at 9:24 a.m. The next meeting is scheduled for February 21, 2007.