

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 8:30 A.M. on February 21, 2006 in Room 527-S of the Capitol.

All members were present.

Committee staff present:

Hank Avila, Kansas Legislative Research Department
Bruce Kinzie, Revisors of Statutes
Maggie Breen, Committee Secretary

Conferees appearing before the committee:

Representative David Huff
Janette Fennell, Kids in Cars
Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics
Cindy Samuelson, Safe Kids Kansas
Colonel William Seck, Kansas Highway Patrol
Cindy D'Ercole, Kansas Action for Children
Jim Hanni, American Automobile Association

Others attending:

See attached list.

Chairman Donovan opened the hearing on **HB 2732 - Enacting unattended and unsupervised children in motor vehicles safety act.**

Representative David Huff, said there is a need for a law to raise public awareness about the dangers of leaving children unattended inside motor vehicles. Children left alone in motor vehicles have died or been injured in Kansas. **HB 2732** deals with the adults who leave these children unattended. There are no harsh penalties in the bill for this unclassified misdemeanor and there will be federal funds available for public education. (Attachment 1)

Janette Fennell, Kids in Cars, said her organization is dedicated to eliminating the common practice of leaving children unattended in motor vehicles, reducing the incidence of injury and death. Through education and legislation, the practice of leaving children unattended in motor vehicles can be greatly reduced. Currently, a law enforcement officer has only two choices when this occurs. (1) Find the parent and scold them, or (2) Take the children from the parents and put them in child protective services and charge the parent or care giver with a child endangerment or neglect charge. One choice is not enough and the other choice is too harsh. This bill will give law enforcement another tool to use. She showed the committee several Public Service Announcements (PSA's) warning against the danger of leaving a child in a car. (Attachment 2)

Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics, spoke in support of the bill. He relayed an experience of a child being left unattended in a locked car in the parking lot of his office. The child's temperature reached 103degrees in what was estimated to have been only 15 to 20 minutes in the locked car. Cars are not babysitters. **HB 2732** has an educational component to make the public aware of the problem along with a law enforcement provision. (Attachment 3)

Cindy Samuelson, Safe Kids Kansas, said they worked hard to assist in creating **HB 2732**, the Unattended and Unsupervised Children in Motor Vehicle Safety Act. In a survey conducted by Save Kids a few years ago, 1 in 5 parents between the age of 18 and 24 felt it was acceptable to leave a young child unattended in a vehicle. They thought their child would be safe while they ran into a store for just a minute. They didn't understand the possible dangers including : heat stoke, strangulation, or abduction. Federal funding will be used for the education element of the bill. (Attachment 4)

Colonel William Seck, Kansas Highway Patrol, directed the committee's attention to the PSA's . He said when he was with the FBI he spent many hours investigating the kidnaping of children. He said there are a lot of child predators out there, just like the one shown on the PSA, who are looking for an opportunity. If a

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child is not recovered within 24 hours, the chances of recovering him alive are very slim. He thinks this point alone is enough to warrant the passing of this legislation. We have to be in a position to help those who can't help themselves. ([Attachment 5](#))

Kansas PTA - Written only ([Attachment 6](#))

Kansas Department of Transportation - Written only ([Attachment 7](#))

Kansas Department of Health and Environment - Written only ([Attachment 8](#))

Kansas State Nursing Association - Written only ([Attachment 9](#))

Trauma Foundation - Written only ([Attachment 10](#))

Advocates for Highway and Auto Safety - Written only ([Attachment 11](#))

Chairman Donovan closed the hearing on **HB 2732** and opened the hearing on:

HB 2611 - Child passenger safety act, booster seats.

Cindy Samuelson, Safe Kids Kansas, urged the committee to pass **HB 2611** so Kansas can join 34 other states and D.C. that now have booster seat laws to protect their children. Motor vehicle crashes are still the leading cause of death for Kansas children age 1 thru 17. Current law requires children 0-4 to use a child safety seat. Since the early 80's there's been a 53% decrease in deaths from motor vehicle crashes in this age group. Kansas does not require booster seats for children over 4. There has been only a 4% reduction in that age category in the same time period. Seat belts don't fit 4 to 8 year olds, so the usage is only about 49%. A belt-positioning booster seat makes the seat belts fit and feel better. A recent study shows that children who use a booster seat are 59% less likely to be injured in a crash than children who were restrained by only a safety belt. ([Attachment 12](#))

Cindy D'Ercole, Kansas Action for Children, said there is no question that booster seats work. They dramatically reduce the risk of injury because seat belts are made for adults. They reduce the risk of injury by 59%. Not compared to not being restrained, but compared to seat belts. The bill requires the use of appropriate child restraints for children until they are age 8, or 4' 9", or 80 lbs. It also increases the fine from \$20 to \$60. The law will be introduced in an educational manner, there will be a one year waiting period and a citation will be dismissed with proof of obtaining a booster seat. ([Attachment 13](#))

Colonel William Seck, Kansas Highway Patrol, said the KHP is constantly asked about what the law is but they also talk about what the best practices are. The best practices right now is that a child passenger safety seat is required up to the age of 4, and for children age 4 to 14, they must be secured in a seat belt. The whole key is to get booster seat legislation passed in an effort to get the children set higher to avoid the neck and abdomen injuries they are seeing. He said enforcement goes hand in hand with education. ([Attachment 14](#))

Jim Hanni, American Automobile Association, said they did a poll of their members in 2005 and nearly 70% of Kansas respondents answered "favor" to the question "do you favor or oppose a state law requiring children age 4 through 7 to be transported in an approved booster seat?" Kansas could receive federal incentive grant money if a qualifying booster seat law is passed. It's provided by NHTSA to Kansas' 402 fund. He recommended favorable passage of the bill. ([Attachment 15](#))

Kansas Department of Transportation - Written only ([Attachment 16](#))

Kansas Department of Health and Environment - Written only ([Attachment 17](#))

Kansas State Child Death Review Board - Written only ([Attachment 18](#))

Kansas State Nursing Association - Written only ([Attachment 19](#))

Dr. Dennis Cooley, Kansas Chapter of American Academy of Pediatrics ([Attachment 20](#))

Safe Kids - Metro Kansas City - Written only ([Attachment 21](#))

Children's Mercy Hospitals & Clinics - Written only ([Attachment 22](#))

Senator Hensley said that in KDOT's testimony there is reference made that a warning citation in **HB 2611** (Ln 36 through Ln 39 on page 2) will render Kansas out of compliance with federal law. He asked them to elaborate on that.

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Terry Heidner, KDOT, said they talked to NHTSA and, yes, the exemption for out of state drivers does put us in noncompliance for the additional incentive funds.

Senator Hensley asked what the rationality of the amendment was. Gary said that was a good question, the person who put it on voted against the bill.

Bruce Kinzie said there was a technical amendment needed on some verbiage that is in the wrong place and needs to be moved and another revision regarding the distribution of the fines.

Senator Schmidt made a motion to remove lines 36 through 39 on page 2. Senator Petersen seconded the motion. The motion carried.

Senator Hensley made a motion to adopt the technical amendment Bruce Kinzie suggested. Senator Schmidt seconded the motion. The motion carried.

Senator Hensley made a motion to move **HB 2611** favorably as amended. Senator Schmidt seconded the motion. The motion carried. Senator Donovan will carry the bill.

Chairman Donovan asked the committee's wishes on **HB 2732**.

Senator Schmidt made a motion to move **HB 2732** out favorably. Senator Palmer seconded the motion. The motion carried. Senator Schmidt will carry the bill.

The meeting adjourned at 9:25 a.m.

The next meeting is scheduled for February 22, 2006.