

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – Second Regular Session

COMMITTEE ON TRANSPORTATION

Minutes of Meeting
Thursday, February 2, 2012
House Hearing Room 3 -- 9:00 a.m.

Chairman Williams called the meeting to order at 9:03 a.m. and attendance was noted by the secretary.

Members Present

Ms. Fann	Mrs. McLain	Mr. Gray, Vice-Chairman
Mr. Farley	Mr. Meyer	Mr. Williams, Chairman
Ms. Hobbs	Mr. Weiers, JP	

Members Absent

None

Committee Action

HB2074 - HELD AT REQUEST OF SPONSOR	HB2154 - DPA (7-0-0-1)
HB2077 - HELD AT REQUEST OF SPONSOR	HB2224 - DPA (6-1-1-0)

CONSIDERATION OF BILLS

HB2074 - motorcycles; lane advancement - HELD AT REQUEST OF SPONSOR

Chairman Williams announced that HB2074 will be held at the request of the sponsor.

HB2077 - motorcycle operations; riding between lanes - HELD AT REQUEST OF SPONSOR

Chairman Williams announced that HB2077 will be held at the request of the sponsor.

Discussion ensued about upcoming legislation relating to Highway User Revenue Fund (HURF) sweeps.

HB2154 - child restraint systems - DO PASS AMENDED

Vice-Chairman Gray moved that HB2154 do pass.

Justin Riches, Majority Research Analyst, explained that HB2154 requires each passenger in a motor vehicle between the ages of five and eight and who is not more than four feet nine inches tall to be restrained in a child restraint system (Attachment 1).

Vice-Chairman Gray moved that the McLain five-line amendment to HB2154 dated 1/30/12 (Attachment 2) be adopted.

Mr. Riches explained that the amendment specifies that this section does not apply to a person who operates an authorized emergency vehicle that is transporting a child for medical care (Attachment 2).

Mrs. McLain, sponsor, stated that a child under 16 years of age is currently required to be restrained in some manner, but by not requiring the use of a booster seat, parents may be doing something that is harmful to their children. This bill changes the law so children are restrained in a more beneficial manner. The amendment was requested by ambulance companies because there are times when children are transported for medical care in a non-emergency situation and it is not practical for an ambulance to have a booster seat; in case something happens, they do not want to be held liable for not having a child in a booster seat.

In response to a question, Mr. Riches indicated that A.R.S. Section 28-907 already excludes commercial vehicles from these provisions.

Mr. Weiers stated that is a huge group to exempt; it could include one-ton trucks used for recreation. Chairman Williams asked Mr. Riches to research that language so it can be discussed to determine if there is a loophole that should be addressed.

Stuart Goodman, AAA Arizona, spoke in favor of HB2154. He related that Arizona is one of only three states in the country that does not have a booster seat requirement. This is not a new parental requirement; the statute already requires children from zero to four years of age to be in a restraint seat and children under age 16 to be restrained by a seat belt. This bill updates the law to reflect current research and standards as opposed to what was originally enacted years ago.

Dr. Sara Bode, Pediatrician, Phoenix Children's Hospital; Arizona Chapter of the American Academy of Pediatrics, spoke in favor of HB2154. She related that current law requires that a child less than five years of age needs to be buckled into a car seat, but over five years of age it is okay to use an adult seat belt; however, that does not help at all if a crash occurs. Statistics show that injuries in a car accident can be reduced by 60 percent in that age range if the child is in a booster seat, but by wearing an adult seat belt, they can often fly out underneath or experience major head, neck or abdominal injuries because the seat belt is not in the right location.

She added that a study in 2007, by the Archives of Pediatric Adolescent Medicine, of states that instituted a booster seat law showed that in the older age range, particularly six to seven years of age, children were twice as likely to be in a booster seat after the law was put in place. A law in Arizona will give additional reinforcement to pediatricians who continue to educate families on this issue.

Dr. David Notrica, Trauma Medical Director, Phoenix Children's Hospital; President, Arizona Trauma and Acute Care Consortium, spoke in favor of HB2154. He explained that lap belts and three-point restraints are made for children of a certain height. When children are not of that height, at the moment of impact, they have a tendency to slip under and be ejected or slip under and experience severe intestinal or spinal cord injuries. Properly restraining these children in a booster seat will allow the seat belt to be much more effective. He added that almost every other state in the United States adopted this law; it is not a new law, but a correction of current law.

Vice-Chairman Gray announced the names of those who signed up as neutral on HB2154 but did not speak:

Marcus Dell'Artino, Arizona Ambulance Association

Vice-Chairman Gray announced the names of those who signed up in support of HB2154 but did not speak:

Don Isaacson, State Farm Insurance

Lanny Hair, Executive Vice President, Independent Insurance Agents & Brokers of Arizona

Michelle Pabis, Assistant Government Relations Director, Scottsdale Healthcare Osborn Trauma Center

Rory Hays, Lobbyist, Arizona Nurses Association

Susan Cannata, Attorney, Arizona Academy of Family Physicians

Peter Rhee, Chief of Trauma, University of Arizona Medical Center, representing self

Helena Whitney, Director, Government Relations and Legislative Affairs, University of Arizona Health Network

Annie Mooney, Public Affairs, Phoenix Children's Hospital

Richard Bitner, Legislative Counsel, Arizona College of Emergency Physicians

Jaclyn Battistoni, representing self

Jillian Bybee, representing self

Rebecca Hudson, Environmental Policy Analyst, Arizona Chamber of Commerce and Industry

Question was called on the motion that the McLain five-line amendment to HB2154 dated 1/30/12 (Attachment 2) be adopted. The motion carried.

Vice-Chairman Gray moved that HB2154 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 3).

HB2224 - unrestrained minors; motor vehicles; prohibition - DO PASS AMENDED

Vice-Chairman Gray moved that HB2224 do pass.

Justin Riches, Majority Research Analyst, explained that HB2224 prohibits a person from driving on a highway with a passenger under 18 years of age in an open compartment of a motor vehicle unless the passenger is safely restrained (Attachment 4).

Representative Doris Goodale, sponsor, related that she sponsored this bill at the request of a constituent whose son and his friends decided to celebrate graduation by going to the river, but while traveling, a tire blew on the pickup truck, which turned over. One young man in the bed of the truck was instantly killed. The constituent's son was so critically injured that he languished for about a year before succumbing to his injuries. His mother wants to protect any other mother

from experiencing what she had to go through. She noted that 30 states plus Washington, D.C. have laws restricting occupants from riding in the back of pickup trucks. Nine states apply the law to all occupants and some state laws apply to minors. She cited other incidents in which individuals were tragically killed while riding in the back of pickup trucks. She added that the constituent was uninsured, which means that the \$1 million medical bill was covered by taxpayers. This situation cannot be ignored any longer.

Dr. David Notrica, Trauma Medical Director, Phoenix Children's Hospital; President, Arizona Trauma and Acute Care Consortium (AZTrACC), spoke in favor of HB2224. He stated that AZTrACC has endorsed this bill. This is a major problem for pediatricians, but it is more of a problem for medical examiners because children that are being driven around in the back of pickup trucks often do not make it to pediatricians at all. About 50 to 60 children per year die. This is a very important bill to save lives.

In response to questions, he indicated that the main cause of deaths is head injuries. In high speed collisions, it will not make a difference if the children wear helmets. The trauma center focuses on children 15 years of age and younger and does not see as many children injured from motorcycle accidents. There is currently a child in the hospital who was in the back seat of a car wearing a helmet and sustained severe injuries, but not to his head.

Mrs. Goodale pointed out that it is difficult to gather statistics on pickup truck deaths because it is not against the law, so when officers arrive on the scene it is listed as a fatality, not a pickup truck fatality. She added that if someone shoots an elk while hunting, the dead elk must be strapped down, but a child does not. Also, an ambulance picking up a dead body must strap the dead body onto a gurney for safety reasons.

Vice-Chairman Gray announced the names of those who signed up as neutral on HB2224 but did not speak:

Marcus Dell'Artino, Arizona Ambulance Association

Vice-Chairman Gray announced the names of those who signed up in support of HB2224 but did not speak:

James Mann, Arizona Fraternal Order of Police

Norman Moore, Attorney, Fraternal Order of Police; State Farm Insurance

John Ortolano, Arizona Fraternal Order of Police

Peri Jude Radecic, Director of Public Advocacy, Arizona Center for Disability Law

Don Isaacson, Arizona Fraternal Order of Police

Susan Cannata, Attorney, Arizona Academy of Family Physicians

Stuart Goodman, Lobbyist, AAA Arizona

Richard Bitner, Legislative Counsel, Arizona College of Emergency Physicians

Vice-Chairman Gray moved that the Williams five-line amendment to HB2224 dated 1/30/12 (Attachment 5) be adopted.

Mr. Riches explained that the amendment provides an additional exemption for a situation in which a person is being transported in an authorized emergency vehicle when it is not an emergency (Attachment 5). In response to a question, he clarified that the bill applies to state highways only.

Ms. Fann noted that in some areas, such as Prescott, there is a state highway that people may not be aware of unless they live there because it is called Gurley Street Highway 89. She asked about individuals driving on a state highway for a block or two because it is the only route to a certain location. Chairman Williams responded that if it becomes a problem, it can be addressed at that time.

Question was called on the motion that the Williams five-line amendment to HB2224 dated 1/30/12 (Attachment 5) be adopted. The motion carried.

Vice-Chairman Gray moved that HB2224 as amended do pass. The motion carried by a roll call vote of 6-1-1-0 (Attachment 6).

Without objection, the meeting adjourned at 9:50 a.m.

Linda Taylor, Committee Secretary
February 17, 2012

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)