

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on February 19, 1991, at 3:15 p.m.

ROLL CALL

Members Present:

Cecil Weeding, Chairman (D)
Betty Bruski, Vice Chairman (D)
Bill Farrell (R)
John Harp (R)
Francis Koehnke (D)
Jerry Noble (R)
Jack Rea (D)
Lawrence Stimatz (D)
Larry Tveit (R)

Members Excused: None.

Staff Present: Paul Verdon (Legislative Council).
Pat Bennett, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None.

HEARING ON SENATE BILL 322

Presentation and Opening Statement by Sponsor:

SENATOR HARRY FRITZ, District #28, stated Senate Bill 322 creates an exemption from state motor carrier laws for private, non-profit organizations to provide transportation for handicapped and elderly persons. All they are trying to do is to find a way to get old people and handicapped people around town.

Proponents' Testimony:

PATRICIA SAINDON, Administrator of the Transportation Division, Department of Commerce, testified in support of SB 322. (SEE EXHIBIT 1)

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RANDY BARRETT, Area Agency Director for Aging Services, Cascade County, testified in support of SB 322. (SEE EXHIBIT 2)

LARRY NOONAN, AWARE INC., Ananconda, MT, stated they transport 100 disabled individuals in the City of Butte and they are at the hearing because of the problems they have had with the Public Service Commission. In 1989, they bid on a contract that was awarded by the Developmental Disabilities Division of SRS to transport these 100 individuals. He stated they have been transporting individuals in the Butte and Anaconda area for 15 years. The previous provider had stopped services as of July 1, 1990, and the 100 handicapped individuals of Butte went without services for three months. AWARE bid on that service and were awarded the bid. Upon being awarded the bid, a few months later they were told by PSC that they were not allowed to provide this transportation with a license from them. He stated they applied for the bid, and the for-profit provider indicated they would protest. The strategy was that the provider wanted to strand the 100 individuals on the street to prove they needed additional funds and additional money to provide the service. They were told they would be shut down as of May of last year if they did comply with PSC regulations. At that point, they went to the for-profit provider and pay them \$5,000 to purchase their license from them because they were capable of locking the bid. He stated that he finds this difficult to understand because the whole service system in Montana is set up for non-profit organizations providing services. Mr. Noonan stated they do not receive funds that are based on a for-profit basis. They only receive enough funds to provide the mission they are set out to do. That mission is to serve the disabled and the elderly that are out there.

CHRIS VOLINKATY, representing 46 non-profit private providers of services to the developmentally disabled testified in support of SB 322. She stated that SB 322 is supported by every service provider throughout this state. For 17 years they have provided the State of Montana with high quality cost effective services. She stated that without adoption of this bill, the cost of those services will rise.

BRUCE BOOKMAN, Executive Director of Big Bear Resources, Missoula, MT, and President of the Montana Association for Independent Disabilities Services, informed the Committee that Big Bear has been around for 17 years serving as one of 46 grassroots community based interests. He stated that they don't come before the Committee primarily as transportation service providers, but to assure life and independent participation in the community by people with disabilities. Because of that commitment, they find themselves needing to transport people. He stated this is a fixed-route system, as well as a 24 hour demand response system. Of the 46 providers, 28 of whom hold transportation contracts.

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MR. BOOKMAN said that through this service, approximately 1,200 people on a 24 hour daily basis, use the service. In order to assure that this transportation service continues to work it is necessary for Big Bear to approach opportunity industries to work out cooperative transportation routes.

JUDITH CARLSON, representing the Human Resource Development Councils testified in support of SB 322.

HANK HUDSON, Governor's Coordinator on Aging, stated they support SB 322. They are the administrative lead agency for the aging services network, which includes 11 area agencies, and over 160 senior centers. One of the things they want to do is to make sure that when people reach the point they are no longer comfortable driving their own car, that there is a means for them to get to and from nutrition programs, Doctor appointments or even the store.

KAY NORENBURG, representing WIFE (Women Involved in Farm Economics), testified in support of SB 322. (SEE EXHIBIT 3)

TIM MCCAULEY, representing the Rocky Mountain Development Council in Helena, as well as being a member of the Local Planning for a Helena Area Transportation Committee, testified in support of SB 322. He stated they just went through a process updating the plan in Helena, which is to coordinate their services in much better detail. This legislation will enable them to do that.

JANICE FRISCH, Developmental Disabilities Division of SRS, testified in support of SB 322. (SEE EXHIBIT 4)

Opponents' Testimony:

BOB PANKRATZ, owner of the local bus depot, stated they have federally funded money they can use to send a \$70,000 bus door to door for 50 to 75 cents to pick up anyone who calls that is within a range of their routes. He stated from their point of view, they would like to protest any further degradation of their passenger base. Mr. Pankratz said they see Veteran's vans running all the way to Columbia Falls back and forth at no charge to these people. They have lost over 50% of their interline bus services in Montana. He stated that if they have to operate by these rules, it will be a travesty on private business to allow any non-profit carrier to run right beside them without these regulations or costs.

Questions From Committee Members:

SENATOR REA asked about the money in the fiscal note.

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CHRIS VOLINKATY said the cost is that right now they are not paying for those licenses coming through the PSC. They have not until they got the recent ruling from the PSC. The concern is that if you do not adopt this exemption they will have to pay for the permits. She stated they contract with the legislature for the money, they have no other funding sources.

SENATOR NOBLE asked Wayne Budt, PSC, to comment on SB 322.

WAYNE BUDT stated the Public Service Commission is neutral. The Commission did go through a declaratory ruling, at the request of the Department of Commerce and Social and Rehabilitative Services.

SENATOR FARRELL asked when these services started, was anyone aware that the contractors can provide bus service.

JANICE FRISCH said they do RFPs and anyone who wants to bid on services can do so. It is open competition, based on best service, lowest cost. They do contract with some PSC regulated providers. She stated they were told in the beginning they were exempt from the PSC process and have operated since.

SENATOR FARRELL asked if there have ever been any complaints to the PSC about existing carriers not providing the service.

WAYNE BUDT said not that he was aware of.

SENATOR FARRELL asked if there is a provision in Public Service Commission law that says if the service not be provided, the PSC can authorize somebody to do it.

WAYNE BUDT said yes, but in the situation being talked about, those complaints would have been only on a regulated carrier.

SENATOR FARRELL asked if the carrier in the Anaconda area who has complained, were there any complaints against him for not providing the service.

WAYNE BUDT said not that he was aware of.

SENATOR FARRELL asked if it was true that there is an avenue for people to proceed through to prove the service is not being provided.

WAYNE BUDT said that is what needs to be shown at a hearing. The Anaconda case involving Mr. Noonan never went to hearing.

SENATOR FARRELL asked Mr. Noonan if he ever filed a complaint to the PSC about the service not being there.

LARRY NOONAN said he never filed a complaint that the service was not there, they just bid according to the ad in the newspaper. It was almost six to seven months later before anyone said they were not allowed to provide this service. At that point, equipment had already been purchased, routes set up, and they had been transporting people. The people were very happy with the service they were providing. He stated they were put in a position to purchase the license from the existing carrier which had ceased to contract for the service or wait nine months to go through the application process.

SENATOR FARRELL asked what kind of license it is.

LARRY NOONAN stated it was a class C license.

SENATOR FARRELL asked Mr. Pankratz if he has been able to bid on any of these contracts.

BOB PANKRATZ answered that this particular type of contract is not in their general operations at all. They are intercity carriers. He stated that they are afraid these providers will be able to take a senior citizens bus to Great Falls rather than the senior citizens buying tickets from them.

Closing by Sponsor:

SENATOR FRITZ closed the hearing on SB 322.

HEARING ON SENATE BILL 329

Presentation and Opening Statement by Sponsor:

SENATOR BOB PIPINICH, District # 33, stated Senate Bill 329 was at the request of peace officers, GVV, Game Wardens, etc. This bill authorizes the Department of Highways to issue soft-body armor to employees upon appointment as peace officers. Senator Pipinich displayed a sample of the soft-body armor. He informed the committee of two cases. In one, a peace officer in Missoula was shot twice but is still alive because he was wearing this armor. The other case is about Tim Sullivan from Anaconda, who was killed while checking into a disturbance call. He was not wearing a vest. This vest will take a .357 slug at about two and a half feet away. The fiscal note is based on providing all 91 GVV Officers body armor. Senator Pipinich stated he didn't think they all would request one, because there are only four or five key points across Montana where the individuals have been harassed. There have been GVV Officers shot in Montana. He stated that if this saves one officers life, it will be worth the \$37,000. Senator Pipinich said he contacted John Rothwell, Director, Department of Highways, and John is all for this.

Proponents' Testimony:

JIM RACICOT, President of the Montana Big Sky Lodge #1, a police organization nationwide with over 215,000 members, as well as a patrol officer with the GVW Division testified in support of SB 322. There have been 90 Montana peace officers killed since 1863. He informed the Committee of an Officer in Missoula being saved from very serious injury when involved in a two-vehicle accident because he was wearing a vest. The impact was so severe that his shoulder harness impaled his badge into his vest. Dupont makes these vests and has kept records. Between 1,200 and 1,400 officers have been saved by wearing soft-body armor, 38% of these officers, were saved in vehicle accidents. According to FBI statistics, in the past ten years, 713 officers were accidentally killed, of which 312 were from vehicle accidents. Wearing a vest is a personal thing with the officers, some just won't wear one.
(SEE EXHIBITS 5 & 6)

TOM SCHNEIDER, representing the Montana Public Employees Association as well as the GVW officers, testified in support of SB 329. He stated that they feel that all people wearing uniforms, have badges, and are identified as law enforcement people should be protected from whatever may happen. He stated that in their membership alone, have had two law enforcement officers killed.

DOLAN DUFFY, GVW Officer in Missoula, pointed out what it would cost the state if he happened to be killed on duty. It would cost \$222,000 and with two kids, it would cost social security \$360 to \$460 per month until the age of 18 or the age of 23 if they go to college.

BILL ARNOTT, GVW Officer, Department of Highways, testified in support of SB 329. He also gave a detailed account of an traffic accident involving an officer and because of the vest, the injured officer was not killed.

PAUL FERDA, General Manager of Security and Equipment in Great Falls, MT, stated he would be present for any questions from the Committee. (SEE EXHIBIT 7)

GERALD MATTILA, GVW Office, Troy, MT, stated he favors SB 329. He informed the Committee that as a GVW officer he has been assaulted in his position with a .357. He did not have body armor at that time, had he had it at the time, he stated he would have worn it. Mr. Mattila has a wife and six children, which means it would cost the State of Montana a lot more.

DAVE GALT, Administrator of the Gross Weight Vehicle Division, stated they were neutral regarding SB 329. They would be willing to purchase soft-body armor for GVW Officers who request one. He stated he was concerned that they would be obligated to purchase body armorment for all the law enforcement officer, and that was not their intention. Their intention was to purchase body armor for only those who requested.

Opponents' Testimony:

None.

Questions From Committee Members:

SENATOR TVEIT asked Mr. Arnott about his friend who was wearing a vest during an accident, and how his friend obtained the body armor.

BILL ARNOTT stated he was not sure of the department, but that some of the smaller departments have a policy where they are given an uniform allowance. Of that department some wear them and some do not.

SENATOR TVEIT asked what type of body armor the Highway Patrol uses.

BOB GRIFFITH, Chief Administrator, Department of Justice, stated they use the type of soft-body armor which has been shown during the hearing. About 50% of the officers choose to wear it.

SENATOR TVEIT asked why it is not mandatory that they wear one.

BOB GRIFFITH stated that their people are unionized and if they demanded they be worn there would be a protest. They are very uncomfortable in the summer, some officers would rather take the chance than to wear them.

SENATOR KOEHNKE asked Bob Griffith how many of his men wear the vests.

BOB GRIFFITH stated there are 95 officers who wear them all the time, and about 25 to 30 more wear them on night shift and not day shift. Altogether there are about 200 men.

CHAIRMAN WEEDING asked Dave Galt if the GVW Officers are acting in the capacity as a peace officer.

DAVE GALT stated the GVW Officers are appointed peace officers by the Director of the Department of Highways to enforce laws in a limited scope of authority that deals basically with commercial trucking regulations.

Closing by Sponsor:

SENATOR PIPINICH closed the hearing on SB 320. He stated the Fish and Game were not put in the bill, this bill is strictly a Department of Highways bill.

EXECUTIVE ACTION ON SENATE BILL 297

Motion:

SENATOR HARP MOVED that SENATE BILL 297 DO PASS.

Discussion:

SENATOR NOBLE discussed taking truck trailer-trailer out of the bill, it was never intended to have anything to do with triples.

SENATOR FARRELL stated that in 1987 when he backed the triples legislation, the people who had been looking at this were talking about three loads, but since 1974 these vehicles had been operating in Montana already. He stated it was not anyone's intention to include them in the triples legislation.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that SENATE BILL 297 DO PASS.

EXECUTIVE ACTION ON SENATE BILL 322

Discussion:

SENATOR FARRELL informed the Committee that Senator Fritz and Wayne Budt explained to him that they are afraid that there is no rule-making authority relating to the handicapped or the elderly. They would like the rule-making authority to determine what handicapped and elderly persons are. SRS should have a definition of that.

Amendments, Discussion, and Votes:

SENATOR HARP MOVED to ALLOW THE STAFF TO DRAFT AMENDMENTS FOR SB 322.

MOTION PASSED UNANIMOUSLY.

Recommendation and Vote:

The Committee will have executive action on Thursday, February 21, 1991.

EXECUTIVE ACTION ON SENATE BILL 329

Motion:

SENATOR HARP MOVED that SENATE BILL 329 DO PASS.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY that SENATE BILL 329 DO PASS.

ADJOURNMENT

Adjournment At: 5:00 p.m.



SENATOR CECIL WEEDING, Chairman



PAT BENNETT, Secretary

CW/pb

The Transportation Division of the Department of Commerce is the designated state agency to provide passenger transportation planning. As a result of this function, we administer several federal grants from the Urban Mass Transportation Administration which provide funding for planning, operating and the purchase of equipment for passenger transportation programs.

One program that has a serious impact upon the state is one which provides matching funds to Private Nonprofit Organizations who deliver transportation services to the elderly and disabled population.

Nonprofit Organizations compete for funds. Because the demand for these funds always far exceed the amount available, both the feds and the state encourage coordination of local services.

Between 1975 and 1980, NPO's would request funds from us. If they were not successful in their application they would then apply to a number of different agencies within the department of SRS for funding to purchase vehicles. Because of lack of coordination, the monies were being used inefficiently.

Some communities received multiple vehicles and some communities received none. So, in 1981, the then Directors of DOC and SRS sent out a joint letter stating that cooperation and coordination of local services would enhance any application for funds to purchase vehicles and this would be handled by the DOC.

Since 1981, we have assisted various local communities to develop coordinated services. We have senior citizen centers, developmentally disabled group homes and work centers, nursing homes, retirement homes and mental health centers all coordinating services.

Under current PSC regulations, the senior citizens center may provide service to its own members without having to obtain PSC authority. And the developmentally disabled may provide services to its own clients without having to obtain PSC authority. But they may NOT provide services to each other without first obtaining authority from the PSC.

Please note - the agencies we are concerned about here, those who coordinate services, have very narrowly defined clients. And I believe in all cases can infact provide names of who is riding their service. The funding that the NPO receives, likewise very narrowly defines who may receive that ride.

It does not make sense to us that the local providers of elderly and disabled transportation can provide service with their own vehicles, their own drivers, have their own operating budgest, but cannot coordinate those resources to save costs and deliver a more effective and efficient service to this very special segment of our population.

Feb. 19, 1991

Committee Hearing on Transportation

To Whom It May Concern,

The Federal Government, in the last few months, have increased the rights to handicapped individuals so that these people may lead as normal a life as possible. In Montana this was dealt a severe blow by the Public Service Commission by no longer allowing public transportation to sign contracts with other nonprofit agencies.

In Great Falls this has set back a coordination effort between agencies that we have been trying to build for the last eight years. Guarding one's turf is back. Transportation providers no longer feel like they can rely on other agencies to help with transportation needs. In fact the rumor is that helping out other agencies is illegal.

Very few nonprofit providers in Montana have gone out and solicited contractors for transportation. Usually it's just the opposite. The Great Falls Senior Citizen Transportation system has been approached by other agencies to help fill the void in their transportation needs. Three percent of the overall budget for the Great Falls Transit System is set aside for handicap transportation. The amount of this money is in the neighborhood of fifty dollars a day. Only three of their vehicles have wheelchair lifts that work. All other rides must be contracted out. Four handicap individuals may receive rides by the private providers with that amount of money. The Senior System would be able to transport twice that amount of passengers. The handicap individuals are the ones that have to pay the price of no transportation.

Easter Seal contacted us two years ago about the possibility of transporting their clients. Most of their people were transported nicely by Hall Transit but a few individuals needed to be picked up by taxi. The taxi company broke three wheels on individuals wheelchairs by tossing them into the trunk of their vehicles. We have transported the same four individuals for the last two years. It is not always a matter of money. These individuals need ~~ed~~ respect for themselves and their property.

Deaconess Hospital started a transportation brokering system in Great Falls several years ago. Their system was so successful that it was costing them over \$300,000 a year. They wanted to negotiate a fee system with the local taxi company for reduced rates for their customers. The taxi company refused, sighting the regulations of the PSC and their rate structure. The taxi company sold out to another company that runs the system now. But the people still expect to be transported to the Hospital at a reasonable cost. The over 60 age group uses the Senior System for their needs. This has increased our workload without increasing your pockets. In fact, we transport the Deaconess Nursing Home patients to their medical appointments. We have not charged these individuals since learning of the PSC ruling in the last month but we have still transported these clients.

Transportation is the key for many programs. Many handicap and elderly clients should not be allowed to drive due to physical handicaps but this might change if you do not exempt these transportation providers. Mobility is freedom and all Americans want to be free to choose including the elderly and handicap. Without affordable transportation their freedom to choose is history.

Randy Barrett
Aging Services
PO Box 202
Black Eagle, Mt. 59404

EXHIBIT NO.

3SB322

WIFE Women Involved in Farm Economics

BILL NO.

SB 322

Senate Bill 322.

Feb. 19th 1991

My name is Kay Norenberg, and I ask that this bill be passed,
alf of WIFE.

Our policy has long been that we beleive that all citizens should have reasonable access to adequate passenger and freight transportation, and it appears that the present law in our State could well prohibit that for some people in the smaller communities.

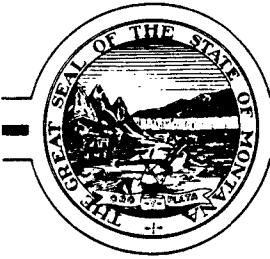
We feel that it is vital that nonprofit organizations should be able to provide transportation services for those who are not able to provide it for themselves, including the elderly, the physically or mentally handicapped, without having to have the burdens imposed by the present laws in our State.

We ask that the Legislature recognize the importance of these small transportation services, and exempt them from the present onerous regulations.

Thank you

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

EXHIBIT NO. 7
DATE 2-19-91
BILL NO. SB 322



STAN STEPHENS
GOVERNOR

JULIA E. ROBINSON
DIRECTOR

STATE OF MONTANA

P.O. BOX 4210
HELENA, MONTANA 59604-4210
(406) 444-5622
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TESTIMONY OF THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES
BEFORE THE HIGHWAYS AND TRANSPORTATION COMMITTEE
(Re: SB 322 - An Act to Create an Exemption
to Motor Carrier Laws for Private, Nonprofit Organizations
Providing transportation of Handicapped and Elderly Persons)

February 19, 1991

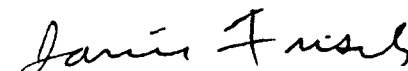
The Developmental Disabilities Division supports the adoption of SB322. This bill will allow the continued transportation of over 1200 individuals with developmental disabilities. This transportation is done by 34 non-profit providers throughout the state. Transportation is provided in conjunction with the provision of other services for which the Developmental Disabilities Division contracts. This may include a trip to the grocery store, the library, or a restaurant. This transportation is an integral part of habilitation as well as a part of a normalized life in the community.

Without this bill, costs will increase to the developmental disabilities service system. The cost of complying with motor carrier laws would be \$300 per organization for a total increase of \$10,200 per year. Additional administrative costs would be incurred for keeping records about each trip.

These requirements and costs will not increase the quality of transportation services to individuals. The Developmental Disabilities Division of the Department of Social and Rehabilitation Services supports this exemption for private, non-profit organizations to provide transportation services to individuals with developmental disabilities.

Thank you for the opportunity to comment.

Submitted by:


Janice Frisch, Chief
Management Operations Bureau
Developmental Disabilities Division



COUNTY Sheriff's Deputy Mike McMeekin investigates the scene of a head-on collision involving another deputy on Highway 93 south of Missoula. Three people were injured in the wreck and taken to the hospital.

KURT WILSON/Missoulian

Patrol car hit head-on in 'grinder'

RENNER
la County deputy sheriff and a
serious injury Friday evening
patrol car was struck head-on by
Highway 93, south of Missoula
tern Montana Sports Medicine
Center.
heriff Pat Estill, 43, and
let Ame Stinger, 16, both of
re on patrol, looking for a
driver when the accident
ontana Highway Patrolman
ad said.

"This (the accident) was a real grinder," Grimstad said. "They didn't move after they hit."
He identified the driver of the other vehicle as 53-year-old William Scruggs of Lolo.
Grimstad said Scruggs' northbound vehicle crossed three of the highway's five lanes before hitting the patrol car at about 6:40 p.m.
"The deputy saw him coming and tried to get in the right lane to miss him; the accident happened almost on the center line of the southbound lanes," he said.

Missoula County Sheriff Doug Chase said the force of the crash was so great that Estill's badge was smashed by the pressure of his seat belt.

All three victims were taken to Community Medical Center. Hospital authorities said Estill and Stinger were treated and released, but Scruggs was admitted for observation.

Both vehicles were totaled in the crash.

Charges are expected but Grimstad said he wants to talk with the county attorney's staff before issuing any specific citations.

SAVE NO. 435

Gary Gotts, Pittsfield MI

While responding to a reported personal injury accident, Gotts' patrol car was struck head-on as he entered an intersection - with all emergency equipment on his unit activated. Prior to entering the crossroads, Gotts stopped and waited for all traffic to stop. However, a driver of a Suburban failed to yield and struck Gotts at about 50MPH. Gotts struck the steering column but his Second Chance vest absorbed the impact.

SAVE NO. 436

Jared Randell, Narragansett RI

While responding to a 'breaking and entering in progress' call, officer Randell lost control of his police cruiser while rounding a curve and crashed head-on into a stone wall. Writes Dr. Richard Brown, 'the major injury (Randell) sustained was multiple rib fractures on the right side without underlying lung injury...I would say without reservation that (the Second Chance vest) played a role in preventing more serious injury.'

SAVE NO. 437

Robert Henckel, Gorham ME

This bizarre incident occurred around 3:30AM as Henckel was responding to a reported accident. The accident was a turned over pickup truck in the middle of a road without any lights. The truck was carrying blasting caps and was struck by Henckel at an estimated 65MPH. The truck driver pulled Henckel from his unit as the blasting caps ignited. Dazed, Henckel thought someone was shooting at him and he dove for cover. Unfortunately the cover he dove for was over a bridge, falling 30-feet to the embankment and finally into the water. This 'save' was pinpointed to the initial accident where Henckel was able to exit his vehicle because the Second Chance vest he was wearing kept him from receiving injury to his chest.

SAVE NO. 438

Jerome Lingnofski, Manasha WI

Rain was falling quite heavily at the time of Officer Lingnofski's accident. He was traveling at normal speed on a highway divided by a median. A Chevy S-10 pickup was traveling in the opposite direction at approximately 50MPH. The pickup hit some water across the road and started to hydroplane. It crossed the median and side-swiped the car immediately in front of Lingnofski's cruiser. It continued on, striking Lingnofski head-on. Dr. Thomas Firestone confirms the use of the Second Chance armor for Lingnofski receiving lesser injury to his body.

SAVE NO. 439

Thomas G. Welch, Harris County TX

Deputy Welch was in a high speed pursuit of a stolen vehicle at 0145 hours. As his vehicle entered an intersection, he was broadsided by another car. The impact resulted in totaling his patrol car and Welch receiving minor bruises to his legs and a cracked rib. Dr. Lorenzo, of Houston NW Medical ER stated that Welch's injuries were less as a "direct result of his (Second Chance) vest absorbing and distributing the shock and impact from striking the steering wheel."

*WARNING!

Second Chance soft body armor is not designed to protect against knives, ice picks or other cutting instruments.

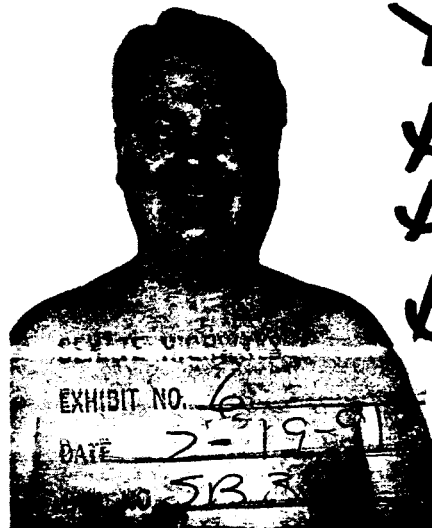
Each 'save' involving any of these weapons is unique in itself. Officers' movement coupled with thrust force was instrumental in deterring penetration.

On occasion penetration may occur.

REMEMBER - DO NOT STAB YOURSELF!

SAVE NO. 440

Herman Reichold, North Prairie WI



Chief Steve Markley wrote Rich Davis a "thank you" note regarding the incident in which one of his officers was accidentally shot by a fellow officer. While on duty, Officer Reichold was struck in the right center of his chest by a 9mm Nyclad 124gr hollow point round. The attending physician in the ER at the hospital told Sgt. Reichold that he had not had his (Second Chance) vest on, he would have been visited by the medical examiner not the doctor. States, Chief Markley, "Reichold is LIVING proof of what is the most a vest can do when you least think you need it."

SAVE NO. 441

Andrew Pelliccioni, Willowbrook IL

Officer Pelliccioni was traveling in his patrol car, on four-lane highway at a speed of approximately 50MPH. Another vehicle, in front of Pelliccioni, pulled out from the right shoulder of the highway across Pelliccioni's lane. Pelliccioni hit the vehicle broadside. As a result of the collision, Pelliccioni received a hip fracture, facial laceration and right calf injury. A permanent indentation in his Second Chance vest was from the steering wheel when his chest slammed into it.

SAVE NO. 442

Tommy Fredrick, Okaloosa County FL



Sheriff Larry Gilbert sent in the documentation on Deputy Fredrick's 'save' incident stating that his officer was shot in the right breast area, the bullet deforming as it hit the K30 plate. He states the round was either a .38 or .357. Whichever, it was lodged in the Second Chance vest Fredrick was wearing the morning he stopped a vehicle with no tags. As Fredrick approached the driver of the car he had stopped the door swung open and the driver stepped out. When told to put his

came around with a revolver firing one shot at Fredrick. The slug pushed Fredrick back as he drew his own weapon firing once at the subject. Deputy Fredrick called for assistance, the driver fired again and sped away.

SAVE NO. 443

Paul Grimstad, Montana Highway Patrol

Col. Landon, Chief Administrator for the Montana HP, wrote a detailed synopsis of what happened to one of his troopers involved in an accident in which both vehicles were totaled. Officer Grimstad was responding to an officer-needs-assistance call when another car, failing to yield the right of way, drove into Grimstad's path. The patrol car hit the other vehicle broadside. The impact was so severe that the front of Grimstad's car was driven back into the passenger compartment, driving the steering column into Grimstad's chest, protected by his Second Chance armor.

SAVE NO. 444

David Collins, Erie County OH

While responding to a call, Deputy Collins broadsided another car failing to yield at an intersection. The patrol car then jumped a culvert landing in a open field. Collins was pinned in his car. Dr. Agrawal writes that Collins' Second Chance "vest played a major role in bearing most of the shock to his internal organs."

SAVE NO. 445

Joseph Krawiec, Clinton NY

Officer Krawiec was traveling at about 45-50 MPH when he hit some icy slush on the road. The patrol car went out of control striking a tree head-on. Krawiec was wearing New York State (BU-2) Second Chance armor, which absorbed the impact from the steering column.

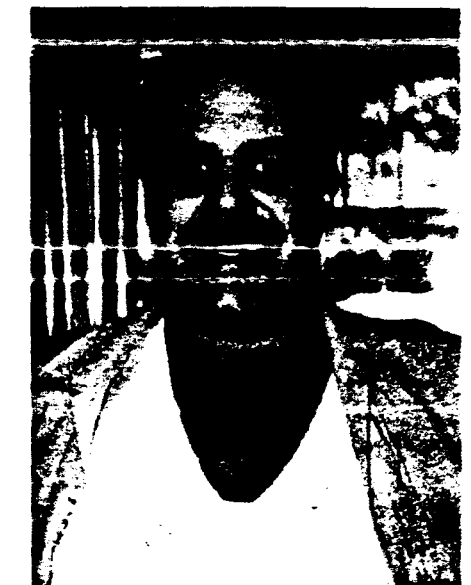
SAVES NO. 446

William Ransom, Newburgh NY

Ransom was enroute to assist a fellow officer who was in pursuit of a vehicle when he lost control of his own car and struck a telephone pole head-on. The car suffered severe damage. The steering wheel was bent down to the steering column and the column was torn from its mountings. Ransom's Second Chance armor with the K-30 plate took the full impact and "saved him from severe internal or possibly fatal injuries."

SAVE NO. 447

Reno Reda, Geauge County OH



Wildlife Officer Reda was patrolling a preserve area when he heard several shots. As he exited his vehicle he walked toward a pond in the direction of the gunfire. Concealed by brush, he observed

two men target practicing with a shotgun. Just as he was about to step from the brush the shooter turned and fired in Reda's direction. The blast of pellets struck Reda in his chest protected by Second Chance soft body armor.

SAVE NO. 448*

Mel Perez, University of WA Campus PD

Perez had stopped a male on the campus for questioning. A scuffle occurred and Perez received several blows from a knife the man had on his person. Perez's Second Chance armor repelled the bladed weapon.

SAVE NO. 449

* Michael Herring, Hart County GA

Herring was on patrol on highway 17 when an oncoming vehicle veered into his path causing a collision. Because of his Second Chance armor, Herring received "no serious injury to his thoracic cage area."

SAVE NO. 450

* Kelly Chestnut, Horry County SC

Chestnut met a tractor-trailer pulling across Highway 501 at 2 o'clock in the morning. The impact threw him into the steering column but no serious injuries were received due to his Second Chance armor.

SAVE NO. 451*

Frank Tonkovich, Cook County IL

During a domestic fight Tonkovich was called on to referee, he was pushed backward falling on the axle shaft of a bike laying on the ground. Penetration was prevented due to his Second Chance armor.

SAVE NO. 452

James Burt, Ventura CA



Burt and his partner used a sledgehammer to gain entrance into a known cycle gang clubhouse. As the door swung open, Burt's partner swung out of the way exposing Burt to the blast from a gang member's .357 handgun. Burt's ten-year old Second Chance raid jacket stopped the slug from trying to penetrate his abdomen just above his navel. The shooter ran out the back door and quickly surrendered to the awaiting officers.

SAVE NO. 453

Steven Burgess, Temple TX

Burgess, a DPS officer, was helping a fellow Trooper redirect traffic off a major highway because of an accident when a rubberneck struck him. His Second Chance armor kept the injuries to a minimum.

SAVE NO. 454*

P.A. Crause, Baton Rouge LA

While assisting traffic control at a fire, Crause tripped over debris and fell on a jagged tree stump. His Second Chance armor prevented his body from being impaled on the sharp end of the object.

SAVE NO. 455

David DeBiasi, Wayne County MI

Sgt. DeBiasi, Wayne County Metro Task Force CO, was using the haligan tool to pry open bars covering a wooden door of a crack house when an unknown perpetrator fired three shots from the inside of the house through the door. Two slugs hit DeBiasi; one in the chest over the heart and the other in the right rib cage area. The third shot missed completely. The shot to the heart was stopped in his Second Chance Command Jac armor just above the metal K47 plate. The other shot careened off the vest without penetration. The weapon was a S&W 6" .357 magnum. Mt. Carmel Hospital attending physician states that "without question, the Second Chance vest saved Sgt. DeBiasi's life."

SAVE NO. 456

David Miles, Hallendale FL



Miles and another Hallendale officer responded separately to a silent alarm at a local bank. One of the robbers, inside the bank, was dressed as a security guard and took the first responding officer hostage as he entered the bank. Miles, pulling up in front of the bank at the time was confronted by the bogus guard at gun point and a struggle ensued. Miles took a hit from a .38 slug in his stomach, protected by his concealed Second Chance armor. Miles was able to return fire with his own weapon. In the exchange of gunfire one of the robbers was killed, one surrendered while the third escaped capture.

SAVE NO. 457

John Morgan, Dartmouth Nova Scotia CAN

Constable Morgan's 12-year-old Second Chance armor prevented major injury when the motorcycle he was riding was struck broadside by another motor vehicle. ER physician couldn't say enough about Second Chance.

*WARNING!

Second Chance soft body armor is not designed to protect against knives, ice picks or other cutting instruments.

Each 'save' involving any of these weapons is unique in itself. Officers' movement coupled with thrust force was instrumental in deterring penetration.

On occasion penetration may occur.

REMEMBER - DO NOT STAB YOURSELF!

SAVE NO. 458

Joseph Bartlett, Shreveport LA



Bartlett and his partner responded to a domestic argument call involving a female mental patient with priors. The woman, almost a hundred-pounds heavier than Bartlett, lunged at the officers with a large kitchen knife. The knife was wrestled away from her but she was able to grab Bartlett's partner's .357 from her holster, point and shoot at Bartlett. The slug hit Bartlett just below his heart. His chest was protected with his Second Chance armor purchased three years ago on graduating from the academy. Although the blow pushed Bartlett back, he was able to help his partner regain possession of the magnum and place the assailant in custody.

SAVE NO. 459

* David Bobes, Denver CO

Ambulance driver Bobes, while on an emergency run, struck another vehicle broadside. His Second Chance armor took the full impact from being thrown into his steering wheel.

SAVE NO. 460

* Walter Makowski, St. Augustine FL

Makowski's 5-year-old Second Chance armor saved his life when he swerved to miss an oncoming car and struck a building. It took rescuers 1 1/2 hours to cut him out of his patrol car.

SAVE NO. 461

Raymond Bruce Embry, Raleigh NC



Embry was a member of a ten-man raid team in search of cocaine at a Raleigh residence. Embry was the first man through the door. On entry he observed a male run into a back room. As he pursued the subject down the hallway, the subject came out of the room firing a S&W 6" .357 at Embry. Embry was hit once in the stomach at a distance of about 8-feet. Embry immediately fired three shots in defense, hitting his assailant twice. Both men fell back and then got up firing again. The subject surrendered. The .357 round from his assailant's gun was found in the ballistic layers of Embry's eleven-year old Second Chance armor.

SAVE NO. 421*

Frank Sherrod, Dorchester County SC

Sherrod and his partner were called to a store on a suspicion of a possible forger. As they entered the store both officers approached the suspect. As one of the men came close to the suspect, the suspect pulled a boot knife from his waistband and began slashing at the officer. Sherrod came to his partner's aid and in the struggle the knife stabbed both the front and back panels of Sherrod's Second Chance armor. The vest stopped the penetration of the knife and enabled Sherrod to subdue and capture his assailant.

SAVE NO. 422

Bob Kellar, Chelan County WA

Kellar was in route to meet another patrol car when a vehicle coming from the opposite direction started to swerve into Kellar's path. The driver of the car apparently fell asleep and by the time he awoke to react to his dilemma it was too late for Kellar to do anything but wait for the head-on impact. Emergency room attendant verifies that the Second Chance armor worn by Kellar at the time of the accident absorbed the impact from the steering wheel that collapsed as it came in contact with his chest.

SAVE NO. 423

Patrick Carlson, Inkster MI

Officer Carlson was responding to a call, traveling along the inside lane of a four-lane highway. As the vehicle in front of Carlson hit its brakes, Carlson swung around the vehicle only to broadside another car that had pulled out into the highway. Carlson sustained injuries to his knees when he hit the dashboard and his chest when it collapsed the steering column. His less-than-a-year-old Second Chance vest caught the column and "saved him from extensive rib and chest injury," states Dr. Merwin Jenkins, Carlson's attending physician.

SAVE NO. 424*

Steve Gurski, San Juan TX

Gurski pulled his patrol car to the side of the street to check out some information on his clipboard. While sitting behind the wheel, still wearing his seatbelt, an unknown subject quietly approached the car from the rear driver's side. Without warning Gurski received a blow to his chest with a slashing weapon that cut the seatbelt. Gurski's uniform shirt and causing minor injuries to his left arm. The assailant then fled on foot. By the time Gurski realized what had happened, reported the attack and unbuckled his harness, his attacker disappeared into the night.

SAVE NO. 425

John Buddenbohn, Citrus County FL

Shortly before midnight, Buddenbohn was traveling at a high rate of speed on a local highway when another vehicle ran a stop sign and stopped in the middle of the intersection directly in line with Buddenbohn's patrol car. He hit the other vehicle broadside. The sudden impact threw Buddenbohn into his steering column. The K-30 metal plate, worn in conjunction with his Second Chance soft armor, was bent like a "potato chip." Hospital doctors agreed that without the vest and chest plate, Buddenbohn would have been impaled by the steering column.

SAVE NO. 426

Eugene Hardman, Parke County IN

Deputy Hardman was enroute to the scene of an accident when he encountered his own. Another vehicle, traveling between 65-70MPH in on-coming traffic, swerved into Hardman's lane causing a severe head-on collision. Hardman's Second Chance armor caught the full force of the steering column impact. Although an avid believer in the use of seatbelts, Hardman now has enjoined the use of Second Chance armor as duty apparel.

SAVE NO. 427

Daniel Arrighi, North Attleboro MA

Arrighi's patrol car crashed into a local car dealership during a four-mile high speed police chase. Arrighi lost control of his cruiser after he was cut off by a drunk driver he was trying to pass. The cruiser crashed into six parked vehicles on the car lot rupturing one of the cars' fuel tanks causing an engine fire in Arrighi's unit. The hospital report indicates Arrighi's Second Chance vest "may have saved him from having his chest crushed by the steering column."

SAVE NO. 428

Mark Cottom, Springfield Twp PA

Officer Cottom was on his way to an "officer needs assistance" call when he collided with another vehicle emerging from a side street. The impact caused Cottom's unit to continue across a front lawn and strike the wall of a private residence. Cottom sustained a shoulder and knee injuries requiring surgery but emergency room doctors credit Cottom's Second Chance armor with protecting him from chest and internal injuries.

SAVE NO. 429*

Miquel Marquez, Newark NJ

Officer Marquez and his partner saw, what they believed to be, a drug transaction going down. As they exited their vehicle the three suspects split in different directions. Marquez chased one of the suspects and caught him just as he started climbing a fence. The suspect fell back onto Marquez, breaking his arm. As Marquez tried to get up, the suspect pulled a knife, striking Marquez in the upper left chest. The blade cut through the uniform shirt but stopped in his Second Chance Model Y2+ soft armor.

SAVE NO. 430

Thomas Lock, Ligonier IN

Lock and his K-9 partner were in the roadway assisting another officer with a suspect resisting arrest. Emergency lights were flashing on both units. Along came a little Escort striking Lock, breaking both legs and carrying his limp body against the smashed windshield for another 100-feet before being thrown off. His K-9 partner was killed. EMT physicians write that Lock's Second Chance vest took the impact of the car saving him from any life threatening injuries.

SAVE NO. 431

Derrick Iozzio, Houston TX

Officer Iozzio was returning to his precinct at the end of his early morning shift when a drunk ran a stop sign broadsiding Iozzio's cruiser. The unexpected impact forced the cruiser onto an adjoining front lawn in the residential area. Dr. J. W. Smith, attending physician, states in his report to Second Chance, that the Second Chance vest Iozzio was wearing at the time of the accident "prevented a more serious injury!"

**IF THEY SEE THE ARMOR...
THEY SHOOT FOR THE HEAD!**

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SAVE NO. 432

Derrick Eutsey, Newark NJ

2-19-91
SB 329



Officers from the Newark PD were surrounding an apartment complex, searching for a man involved in a previous assault complaint. As Eutsey and his partner approached the building a suspect came out the back door and fired five shots at the officers from a .32 caliber handgun. One of the bullets hit Officer Eutsey knocking him back but still able to draw his own weapon and return fire at his attacker. The bullet struck Eutsey in the upper right chest area stopping in his Second Chance Model Y2A soft body armor.

SAVE NO. 433*

Cory Shamloo, Escambia County FL

Deputy Shamloo was chasing a robbery suspect through an apartment complex when he suddenly came face-to-face with his quarry. The suspect jumped out at Shamloo in a slashing attack with a one-edge razor. The assailant slashed at Shamloo, cutting his shirt in several areas but not the deputy's torso protected by his Second Chance soft body armor. The suspect then ran away but was apprehended shortly thereafter by Shamloo's back-up officers.

SAVE NO. 434

Dana Saxton, Collingswood NJ



Officer Saxton responded to a domestic dispute and was met at the front door by a blast from a .44-caliber handgun. Saxton was pushed back but was able to draw his own weapon and return fire, missing his assailant. After a three hour standoff, police rushed the house and took the gunman into custody. Saxton joked about the two promises his wife made him make to her when they got married. "Call if I'm not going to be home by five and always, always wear your bullet-proof vest." Thanks to Second Chance Saxton had Christmas dinner at home that night with his wife and three children.

SENATE HIGHWAYS

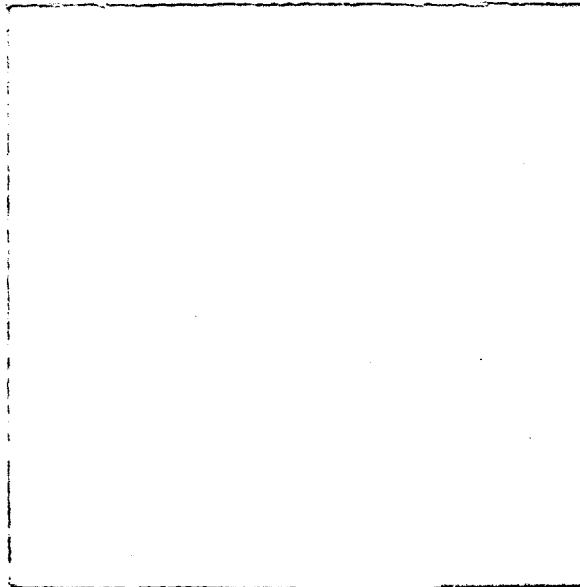
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EXHIBIT NO. 7

DATE 2-19-91
SB 329



Technical Center
P.O. Box 31
Petersburg, VA 23804
Telephone (804) 520-3321



SPECTRA SHIELD™
TOTAL WEIGHT 4.3 oz/yd²
THICKNESS 0.006 inch

Allied Fibers



COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: February 19, 1991

VISITOR'S REGISTER

SB 322

SB 329

NAME	REPRESENTING	BILL #	SUPPORT	OPPOS
Tom Schneider	MPEA	SB 329	X	
Patricia Sundon	Trans. Div. DOC	SB 322	X	
Randy Barnett	Area VIII Agency on Aging	SB 322	X	
Dave Galt	DOH	SB 329	X	Montag
CHARLIE TROTT	Regional Child & Family Serv.	SB 322	X	
Janice Frisch	SRS / DDD	SB 322	X	
Janis Winston	Commerce / Trans. Div.	SB 322	X	
Tom Christie	Commerce / Transportation	322	X	
BOB PHAKRATZ	RPS / MN 6L	322		X
Tim M'Cauley	Rocky Mt. Developmental	322	X	
Bruce Buchman	Big Bear Resources ? Dis. Montana Assoc. of Indep. Svs.	322	X	
John F.	Payroll Svs. Unit	322	X	
Chris Voluntary	DD Lobbyist	322	X	
MARY WOODS	AWARE INC	322	X	
Jim Kacert	GVW Office	322	X	
Kay Drenberg	WIFE	322	X	
Pat A. Duff	GVW OFFICER	322	X	
E. Darragh	GVW OFFICER	322	X	

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)

COMMITTEE ON: HIGHWAYS AND TRANSPORTATION

DATE: February 19, 1991

VISITOR'S REGISTER

SB 322
SB 329

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(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)