

SESSION OF 2011

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2119**

As Agreed to April 28, 2011

Brief*

HB 2119 would prohibit a municipality from charging an accident response service fee to persons receiving emergency services inside or outside the municipality, except for the actual costs of providing emergency services in response to a motor vehicle accident. In the bill, the following terms are defined:

- “Accident response service fee” would mean any fee imposed for the response to or investigation of a motor vehicle accident, not including the usual and customary charges for providing ambulance and emergency services when immediate action is required.
- “Emergency services” would include the actual costs of police, fire, technical rescue situations, including but not limited to, vehicle extrication, trench rescue, high-angle rescue, confined-space rescue and swift-water rescue and emergency medical service personnel and equipment the municipality deems appropriate to address reasonably anticipated needs. An unknown number of injured persons and possible environmental and health threats involving hazardous material would be included among these needs.
- “Municipality” would mean a city, county, township, fire district or any other political and taxing subdivision.

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The bill also would amend an existing statute requiring motor vehicles owned or leased by Kansas political subdivisions to bear the subdivision's name, by adding exemptions for county or district attorney investigators to the statute's current list of exemptions.

Conference Committee Action

Both the first and second Conference Committees agreed to the Senate amendments to the bill with the following exceptions and revisions:

- Delete the contents of SB 216 as amended by the Senate Committee on Public Health and Welfare, relating to emergency medical services law changes.
- Delete the contents of SB 139 as recommended by the Senate Committee on Public Health and Welfare, relating to making members of both regional trauma centers and the Advisory Committee on Trauma peer review officers.
- Make technical amendments.

Based on a request for further review regarding the first Conference Committee report, the report was rejected by the House and a Second Conference Committee was named. The Second Conference Committee adopted an identical Conference Committee report.

Background

HB 2119, as introduced, dealt only with prohibiting accident response fees in townships and fire districts. The House Committee on Local Government amended the bill to expand the prohibition to other municipalities as well.

Testifying in support of the original bill (HB 2119) were representatives of three insurance companies, the Kansas Association of Insurance Agents, the National Association of Mutual Insurance Companies, and the Kansas Association of Property and Casualty Insurance Companies. The conferees indicated concern about shifting the burden of these costs from taxpayers to insured drivers. Concern about dual taxation (for municipality residents who may be charged these fees) also was mentioned. No opponents testified at the House Committee hearing.

The House Committee on Local Government amended the bill to expand its applicability beyond only townships and fire districts.

The House Committee of the Whole amended the bill to add exemptions for county or district attorney investigators' vehicles from the statute requiring political subdivision-owned or -leased vehicles to bear the subdivision's name.

The Senate Committee on Financial Institutions and Insurance amendments clarify the term "emergency services" by limiting the definition to the actual costs of the services outlined in the definition, specifying the fire services and rescue situations provided as emergency services, and clarifying possible environmental and health threats involving hazardous material. The amendments were presented by a representative of the State Farm Insurance Companies, in consultation with the Fire Chief for the City of Salina, who had appeared in opposition to the bill at the Senate Committee hearing.

The Senate Committee of the Whole amendments clarified the allowance for an accident response service fee charged by a municipality, inserted provisions that amend the laws regulating EMS professionals (SB 216, as amended by the Senate Committee on Public Health and Welfare) and inserted provisions authorizing members of Regional Trauma Centers and the Advisory Council on Trauma to be peer review officers (SB 139, as recommended by Senate

Committee on Public Health and Welfare). (Note: The Conference Committee action removes the contents of SB 216 and SB 139.)

The fiscal note on the bill indicates passage of the original bill would result in no fiscal effect on the operations of the Board of Emergency Medical Services. The fiscal note also states there would be no fiscal effect on cities; however, the original bill did not affect cities.

Municipalities, accident response service fees