

SESSION OF 2012

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2432**

As Agreed to March 28, 2012

Brief*

HB 2432 would authorize two highway safety corridors and would exempt school buses from certain safety requirements.

Safety Corridor Act

The bill would create the Safety Corridor Act, under which two highway safety corridors could be established and penalties increased for speeding within segments of highway designated as safety corridors. The program would sunset July 1, 2015. The bill would define a safety corridor as a segment of highway designated by the Secretary of Transportation and identified with posted or moving signs.

The bill would authorize the Secretary to establish and administer a safety corridor program. The bill would require the Secretary to establish criteria and designate safety corridors at the recommendation of the Executive Safety Council, which is defined in the bill. Criteria that would be used in determining designation as a safety corridor would include, but not be limited to, accident rates, accident fatality rates, numbers of crashes resulting in serious injury or death, and traffic volumes. Such safety corridors could be designated on interstate, United States, or state highways. No safety corridor could be designated within the corporate

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limits of a city unless the governing body of such city has passed a resolution supporting the designation, and the Secretary would be required to remove such designation if a resolution revoking city support for the designation is passed. The bill would require the Secretary to establish guidelines to evaluate whether a safety corridor continues to meet criteria for the designation and revoke a designation if the corridor does not meet the criteria. The bill would require an annual report from the Secretary on the program to the Senate and House Transportation committees.

The bill would create the Safety Corridor Fund. Moneys credited to that fund could be used only for programs within designated safety corridors, such as signage, education, and enforcement. All fines for speeding violations within the corridors would be remitted to the state and credited to the Fund. Each municipality that enacts an ordinance or resolution substantially similar to a provision doubling speeding fines within a safety corridor would submit half of the increased fine to the State, which would credit that money to the Fund. The bill also would credit 0.9 percent of fines, penalties, and forfeitures received from clerks of the district court to the Safety Corridor Fund.

The bill would increase penalties for speeding within a safety corridor. If a person is convicted of speeding within a designated safety corridor, the fine listed in the uniform fine schedule would be doubled. A conviction of exceeding the speed limit within a safety corridor by more than six miles per hour would be considered a moving violation for determining whether a person's driving privileges should be restricted, suspended, or revoked. A conviction for speeding in a safety corridor by not more than six miles per hour would not be reported to or considered by an insurance company in determining an automobile insurance rate. The bill would prohibit a diversion agreement in lieu of further criminal proceedings that would prevent the conviction of exceeding the speed limit in a safety corridor from appearing on a person's record.

School Bus Safety Equipment

Until July 1, 2016, the bill would exempt a school bus from requirements of law and rules and regulations regarding design, lighting equipment, distinctive markings, special warning devices, and other equipment that become effective after its date of manufacture. After that date, a bus would be exempt from such requirements for 25 years after manufacture.

Conference Committee Action

The Conference Committee removed the former contents of HB 2432 and added the contents of SB 342, regarding safety corridors, as amended by the Senate Committee of the Whole with the following changes: added a sunset of July 1, 2015; limited the number of safety corridors to two; increased the buffer for driving privilege consideration and reporting to insurance from five mph to six mph over the speed limit; and doubled the fines only for speeding with a safety corridor, a change from doubling the fine for any infraction that meets the definition of a moving violation. The Conference Committee also added the contents of 2749, regarding school bus equipment; it added a sunset date of July 1, 2016, to those provisions.

Background

HB 2432 originally would have authorized a Ducks Unlimited specialized license plate. The Senate amended the bill to add provisions to authorize Masonic Lodge license plates and provisions to allow county treasurers to accept royalty payments related to certain specialized license plates. A Conference Committee placed those provisions into SB 300.

Safety Corridor Act

Senator Tom Holland, the Deputy Secretary of Transportation and State Transportation Engineer, the mayor of Eudora, a captain with the Wichita Police Department, and a private citizen testified in support of SB 342. Written proponent testimony was received from representatives of the Kansas County Highway Association; the City of Lawrence; and the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association. A representative of the Kansas Motor Carriers Association requested several amendments to the bill and said the Association would support an amended bill. There was no opposition testimony.

The Senate Committee on Transportation amended the bill to add that a conviction of exceeding the speed limit within a safety corridor would be considered a moving violation for determining whether a person's driving privileges should be restricted, suspended, or revoked, regardless of the number of miles per hour the violator's speed exceeds the speed limit. It also amended the bill to prohibit a diversion agreement in lieu of further criminal proceedings that would prevent the conviction of exceeding the speed limit in a safety corridor from appearing on a person's record.

The Senate Committee of the Whole amended the bill to state that a conviction for speeding in a safety corridor by not more than five miles per hour would not be considered a moving violation for purposes of restricting, suspending or revoking driving privileges and shall not be reported to or considered by an insurance company in determining an automobile insurance rate.

“Moving violation” is defined by the Department of Revenue in Kansas Administrative Regulation 92-52-9. Traffic infractions that also are moving violations include speeding, failure to obey traffic control signals, failure to yield, following another vehicle too closely, and unlawful passing.

Testimony indicated the K-10 corridor in Douglas and Johnson counties and US-54 in Wichita are the most likely sites for safety corridors.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Kansas Department of Transportation (KDOT) stated, if five such corridors are established, the bill would increase expenditures in FY 2013 by \$5,000 in signage and \$150,500 in additional patrol costs, a total of \$175,500. KDOT estimated revenues to the Safety Corridor Fund associated with the 0.9 percent of fines collected by the district court at \$177,300. KDOT is unable to estimate the additional revenues that would be collected from municipal court collections. The League of Kansas Municipalities stated any fiscal effect upon Kansas municipalities resulting from the passage of SB 342 would be negligible. The Office of Judicial Administration stated it is unable to determine a fiscal effect on the courts at this time.

School Bus Safety Equipment

A representative of the Kansas Association of School Boards testified in support of HB 2749, stating the bill would remove an arbitrary date for school bus replacement and allow local districts to decide when to replace buses. Written testimony opposing the bill was submitted by a representative of the Kansas State Pupil Transportation Association, who stated the bill would delay safety features that protect students and listed safety equipment that would not be present on some buses.

Department of Education Kansas Administrative Regulation 91-38-5 requires each school bus to be inspected by a mechanic and the Kansas Highway Patrol between June 1 and September 30 each year. No school bus, activity bus, or school passenger vehicle can be used to transport students until the vehicle has been inspected and is in proper working order.

According to the fiscal note, the bill would have no fiscal effect on state aid payments and would allow local boards of education to postpone purchases of buses.

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school bus, bus, safety corridor, speeding, moving violation, buffer, diversion