

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2119

As Amended by House Committee of the Whole

Brief*

HB 2119 would prohibit a municipality from charging an accident response fee to persons receiving service inside or outside the municipality, except in the case of accidents involving hazardous materials or requiring extraordinary emergency services, in which case only actual costs could be charged. 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 those police, fire and emergency medical service personnel and equipment the municipality deems appropriate to address reasonably anticipated needs. Unknown number of injured persons and possible environmental and health threats would be included among these needs.
- “Municipality” would mean a city, county, township, fire district or any other political and taxing subdivision.

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.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

As introduced, HB 2119 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 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.

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 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.