

SESSION OF 2015

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2094**

As Recommended by Senate Committee on
Transportation

Brief*

Senate Sub. for HB 2094 would amend provisions relating to hauling of custom harvesting equipment and to seat belt penalties.

Custom harvesting. The bill would add forage cutter and combine header to combine in the items used in custom harvesting operations that, when transported using a truck and trailer combination or other specified combination, could exceed the general vehicle combination length limit of 65 feet but could not exceed an overall length of 75 feet, exclusive of front and rear overhang.

Seat belt penalties and use of fines. The bill also would increase the fine for a person 18 years and older who is not wearing a seat belt in a passenger car when that car is in motion, from \$10 to \$30. The bill would direct \$20 from each fine for violation of a city ordinance requiring seat belt use by those 18 and older to the Seat Belt Safety Fund (Fund), which would be established by the bill and administered by the Secretary of Transportation (Secretary). The bill also would direct 2.74 percent of all fines, penalties, and forfeitures received from clerks of the district court to the Fund and adjust percentages to certain other specific funds by amounts ranging from 0.06 percent to 0.3 percent.

All expenditures of moneys in the Fund would be used for the promotion and education of occupant protection

*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>

among children, including, but not limited to, programs in schools in Kansas. These expenditures would be made in accordance with appropriations acts. The Secretary would be authorized to accept gifts, grants, donations, and bequests to the Fund. The Secretary would remit all moneys received to the State Treasurer, who would then deposit the entire amount to the credit of the Fund.

Background

HB 2094, as introduced, would amend the mileage fee and application requirements for apportioned fleet registration. Those provisions are included in Senate Sub. for HB 2090. The Senate Committee on Transportation recommended a substitute bill to include the provisions of SB 271 and SB 274.

SB 271, custom harvesting operations. The bill was requested by the Senate Committee on Assessment and Taxation. In a hearing before the Senate Committee on Transportation, a representative of U.S. Custom Harvesters, Inc. (USCHI), stated the bill would allow easier transport of custom harvester equipment through the state and across state lines. An Assistant Secretary for the Kansas Department of Agriculture also testified in support of the bill, stating the bill would align state and federal regulations with regard to total vehicle length for hauling combines and forage harvesting equipment. There was no other testimony. The Committee added a clarifying amendment requested by USCHI.

The fiscal note prepared by the Division of the Budget states, according to the Kansas Department of Transportation (KDOT), the provisions would have no fiscal effect.

SB 274, seat belt penalties. The bill was introduced by the Senate Committee on Assessment and Taxation. A representative of the Seat Belts Are for Everyone (SAFE) Coalition testified in support of the bill, stating the bill would allow expansion of the SAFE program, which has been

proven to increase seat belt use among high school students, to all Kansas high schools; poll results show Kansans overwhelmingly support an increase in the primary seat belt fine for adults; the bill reflects a compromise based on feedback from an earlier proposal; and the proponents worked with the Office of Judicial Administration to assure the percentages proposed would keep amounts to other funds supported through fines, penalties, and forfeitures consistent with current amounts. The Executive Director of the Emergency Medical Services (EMS) Board submitted neutral written testimony expressing concerns about the effects of changing the percentage of fines, penalties, and forfeitures distributed to the EMS Revolving Fund. No opponent testimony was given.

Statutory language not amended by the bill states no court costs are associated with this fine.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration estimates enactment of the bill would result in additional FY 2016 revenues of \$490,140 to the Fund from fines, penalties, and forfeitures received by clerks of the district courts. KDOT indicates the bill would result in additional revenues and expenditures to that agency from the creation of the Fund. The League of Kansas Municipalities (LKM) stated cities with municipal courts would be imposing the \$30 fine and retaining the current \$10 fine; however, LKM does not know how many seat belt violations are prosecuted in Kansas cities each year. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.