

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2076

As Recommended by House Committee on
Transportation

Brief*

HB 2076 would increase the fine from \$10 to \$30 for a person 18 years and older who is not wearing a seat belt in a passenger car when that car is in motion. The bill would direct \$20 from each \$30 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 2.20 percent of all fines, penalties, and forfeitures received from clerks of the district court to the Fund and adjust percentages to certain other specified funds also receiving such distributions by amounts ranging from 0.05 percent to 0.24 percent.

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

The bill was requested by a representative of AAA Kansas. At the House Committee on Transportation hearing,

*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>

proponent testimony was received from a representative of AAA Kansas; two representatives of the Seatbelts Are For Everyone (SAFE) program; two private citizens; the executive director of the Kansas Sheriffs' Association; a representative of the Kansas Emergency Nurses Association, the Kansas State Nurses Association, and the Safe Kids Kansas Coalition; and a representative of the Kansas Association of Chiefs of Police and the Kansas Peace Officers Association. Written proponent testimony was received from the trauma medical director and chief nursing officer at Stormont Vail Health, the Secretary of Health and Environment, and representatives of Kansas Action for Children, the Kansas EMS Association, the Kansas Highway Patrol, and Injury Free Coalition for Kids. They provided information on the SAFE Program and its effectiveness in increasing seat belt use among Kansans, particularly teens, stating the bill would allow the SAFE Program to be presented in all Kansas high schools and presentations made to younger children. They also cited the costs of preventable injuries and deaths associated with crashes in which vehicle occupants were not wearing seat belts and the benefits they witnessed to use of seat belts.

The Executive Director of the Kansas Board of Emergency Medical Services provided neutral testimony, requesting adjustments be made to the percentages of fines directed to the EMS Revolving Fund and to the Trauma Fund.

Law that would not be amended by the bill states no court costs are associated with this fine and no court shall report violation to the Department of Revenue.

According to the fiscal note prepared by the Division of the Budget, the adjustments in percentages to various funds coupled with new revenues are intended to be revenue neutral to the other funds receiving portions of fines, penalties, and forfeitures. Estimated reductions to funds are expected to be offset by increased related to the increase in the fine amount. A precise estimate of the number of seat belt violations is not available; however, according to the fiscal

note, it is estimated between 18,000 and 20,000 seat belt violations would need to occur to offset the reductions to the distribution percentages. According to Kansas Highway Patrol (KHP) annual reports, seat belt violations cited by KHP troopers numbered 23,275 in calendar year (CY) 2012, 23,247 in CY 2013, 21,353 in CY 2014, and 14,989 in CY 2015. Fines resulting from KHP and county sheriff citations would be distributed via the percentages listed in the bill. No estimate of city seat belt ordinance violations or citations issued by sheriff officials was included in the fiscal note. KDOT estimates the Seat Belt Safety Fund receipts of \$383,058 for FY 2018 and approximately \$400,000 for FY 2019. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.