

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 59

As Amended by Senate Committee of the Whole

Brief*

SB 59, as amended, would amend state law to require every occupant of a passenger vehicle to wear a safety belt and to allow a law enforcement officer to stop a vehicle for violations of safety belt requirements.

Current law does not require adults in the back seat to wear safety belts, and a law enforcement officer can stop a vehicle and issue a citation for failure to wear a safety belt only if another law has been violated.

The bill would reduce the fine for violations of safety belt requirements from \$30 to \$25 but would require violators to pay docket fees, which current law does not assess for safety belt violations. The docket fee amount is \$75.

The bill would become effective upon publication in the *Kansas Register*. From the effective date until before June 30, 2009, a law enforcement officer would be required to issue a warning citation.

Background

The bill was requested by the Kansas Department of Transportation (KDOT). Presenting testimony in favor of the bill were Terry Heidner, KDOT; Secretary Roderick Bremby, Kansas Department of Health and Environment; Colonel Terry Maple, Kansas Highway Patrol; Darlene Whitlock, Kansas State Nurses Association and Kansas Emergency Nurses

*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>

Association; and Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Police Officers Association. Written testimony was received from proponents James Hanni, AAA Kansas; SafeKids Kansas; Phyllis Larrimore, Children's Mercy Hospitals and Clinics; and William Sneed, The State Farm Insurance Companies.

Among the points the conferees made were these:

- If Kansas were to enact a primary safety belt law (meaning a law enforcement officer may stop a vehicle for a safety belt violation) and enforcement began before June 30, the state would be eligible to receive an additional \$11.2 million under the current federal transportation program and could be eligible to receive an additional \$1 million-\$2 million. The state would be required to spend \$1 million of the amount received on safety programs, but the rest could be used in ways including highway construction. The federal program requires such a law to be effective (meaning citations being issued) before June 30, 2009. The smallest fine the federal program will accept is \$25.
- The annual economic cost of motor vehicle crashes in Kansas is estimated at nearly \$1.9 billion.
- Safety belt use is the single most effective countermeasure available to passenger vehicle occupants in preventing fatalities and injuries in traffic crashes.
- Kansas' seat belt use is 77 percent; the national average is 83 percent.

Kathy Porter, Office of Judicial Administration, presented neutral testimony requesting a docket fee be charged. She testified that docket fees are assessed for all other traffic violations. The amount of the docket fee is set in KSA 2008 Supp. 28-172a.

No opponents testified on the bill.

The Committee amended the bill to change the effective date to the date of publication in the *Kansas Register*, to reduce the fine from \$30 to \$25, to apply docket fees, and to include a period during which law enforcement officers would be required to issue warning citations.

The Senate Committee of the Whole made a technical amendment to the bill.

The fiscal note from the Division of the Budget on the original bill gives information about the federal dollars potentially available to the state that are mentioned above. It further states that the Office of Judicial Administration reported 14,646 cases of safety belt violations in fiscal year 2008.