

*Corrected*  
*SESSION OF 2007*

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 8**

As Agreed to March 29, 2007

**Brief\***

SB 8 pertains to television-type receiving equipment; school speed zones; idle reduction technology; tow trucks; safety belts; emergency medical services license plates; work-site utility vehicles; and all terrain vehicles.

**Television-Type Receiving Equipment**

The bill would repeal KSA 8-1748 which would prohibit a person from operating a motor vehicle equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat.

**Speed Zones**

The bill would double speeding fines in school zones on state highways (effective July 1, 2007).

**Idle Reduction Technology and Tow Trucks**

The bill would:

- Provide for a 400-pound exemption from the maximum gross weight or axle weight limits for any vehicle or combination of vehicles equipped with idle reduction technology;

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- Define “idle reduction technology” as any device or system of devices that (a) is installed on a heavy-duty diesel-powered on-highway truck or truck tractor; and (b) is designed to provide to such truck or truck tractor those services, such as heat, air conditioning or electricity, that would otherwise require the operation of the main drive engine while the truck or truck tractor is temporarily parked or remains stationary;
- Add language to KSA 8-1911 (the gross weight limits for vehicles statute) that clarifies that a tow truck only be required to be registered in accordance with KSA 8-143 (the general vehicle registration statute); and
- Make the provisions pertaining to motor carriers effective upon publication in the *Kansas Register*.

### **Safety Belt Provisions**

These provisions would:

- Define “passenger car” as a motor vehicle manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 or fewer passengers, including vans;
- Require a person 18 years of age or older, sitting in the front seat of a passenger car, to wear a safety belt at all times when the car is in motion;
- Require occupants of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who are 14 to 17 years of age, to wear a safety belt at all times when the vehicle is in motion;

- Provide that from and after July 1, 2007 to December 31, 2007, a law enforcement officer will issue a warning citation to safety belt law violators;
- Fine front seat occupants of a passenger car \$30 including court costs for not wearing a safety belt; and
- Provide that from and after January 1, 2008, persons 14 to 17 years of age not wearing a safety belt will be fined \$60 including court costs.

The bill would create the Traffic Records Enhancement Fund to enhance and upgrade the traffic records systems in the state and create the EMS Revolving Fund to improve and enhance emergency medical services in the state.

The bill also would provide that remittance from fines, penalties, and forfeitures received by the district will credit 2.5 percent of such monies to: the Children's Advocacy Center Fund; the EMS Fund; the Trauma Fund; and the Traffic Records Enhancement Fund. The remainder of remittances would go to the State General Fund.

The bill also would authorize the issuance of non-transferable emergency medical services license plates. The plates will be available on and after January 1, 2008 to any resident owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less, or motorcycles. The bill would require that an applicant provide proof to the Director of Vehicles that he or she is an emergency medical services attendant. Renewals of the plate will be made annually.

### **Work-Site Utility Vehicles and All-Terrain Vehicles**

These provisions would:

- Make it unlawful for a person to operate a work-site utility vehicle on any interstate highway, federal highway or state

highway; or within the corporate limits of any city unless authorized by a city;

- Allow these vehicles to be operated incidentally on a federal highway or state highway;
- Prohibit work-site utility vehicles to be operated on any public highway, street or road unless they comply with the equipment requirements of Article 17 of Chapter 8 of the Kansas Statutes Annotated;
- Exempt work-site utility vehicles from vehicle registration; and
- Impose a \$60 fine for the unlawful operation of a work-site utility vehicle.

The bill also would amend existing law pertaining to all-terrain vehicles to prohibit the operation of these vehicles on city streets unless authorized by a city.

### **Conference Committee Action**

The Conference Committee agreed to incorporate provisions of SB 211, regarding safety seat belts, into SB 8. In addition, the Conference Committee agreed to place HB 2119, the bill pertaining to emergency medical license plates, into SB 8; and HB 2559, the bill pertaining to work-site utility vehicles and all-terrain vehicles, into this bill. The Conference Committee also repealed the statute that prohibits the operation of a motor vehicle equipped with video or television-type equipment.

## **Background**

**SB 8.** The original bill pertained to speeding fines in school zones. It was requested by Senator Journey who testified before the Senate and House Transportation Committees. In those committees, Senator Journey stated, among other things, that many cities in Kansas have doubled or tripled speeding fines in school zones. He also said that placing the fines in statute would create uniformity across the state. No conferees testified against this portion of the bill in either the Senate or House Transportation committees.

The House amendments pertaining to motor carriers were proposed by the spokesperson of the Kansas Motor Carriers Association. The first amendment regarding the weight exemption for idle reduction technology on trucks was a provision of the Federal Energy Bill signed by President Bush in August of 2005. According to the Federal Highway Administration, truck drivers idle their engines for a variety of reasons. For long hauls, the truck driver must have 10 hours of off-duty after driving 11 hours. Surveys have found that 70 to 80 percent of truck drivers cite heating or air conditioning of their rigs as the main reason for idling their trucks during their 10 hours off duty. By using idle reduction technology equipment, truckers can reduce emissions and save fuel. The other amendment pertains to heavy-duty tow trucks used to tow large truck and buses. The Kansas Motor Carriers Association conferee stated that since 1996 the Kansas Department of Transportation has been issuing special annual oversize/overweight permits for non-divisible loads which are within certain limitations established through rule and regulation without requiring the tow truck to be registered at the maximum allowable gross weight. He said that heavy-duty tow trucks have relied on these permits to allow the operators of these tow trucks to move disabled trucks, buses or truck tractors without fear of receiving an overweight citation. The amendment would add language to existing law that clarifies that a tow truck only be required to be registered in accordance with existing law.

The fiscal note on the original bill indicates that doubling the speeding fines in school zones would increase revenues. No information is available at the state level by which to estimate an accurate amount of the increased revenues that would accrue as a result of the legislation. Any accurate estimate also would have to account for the reduced incidence of infractions that could be expected to occur as a deterrent effect by doubling the fines.

**SB 211.** Conferees who testified in support of the bill included: the Superintendent of the Kansas Highway Patrol; Ashleigh Adkins, a 17-year old student whose younger sister was killed in a car accident; the Director of the Division of Health, Kansas Department of Health and Environment; and a spokesperson for Kansas Action for Children. Written testimony in support of the bill also was submitted by the Kansas Department of Transportation and the American Academy of Pediatrics. Conferees who supported the bill emphasized that many lives could have been saved if motor vehicle occupants in car crashes would have worn a safety belt. No one testified against the bill.

The Senate Committee of the Whole amendments would:

- Increase the fine from \$10 to \$60, plus court costs for failure to wear a seat belt;
- Provide a warning period to drivers before law enforcement issues safety belt citations;
- Establish the Traffic Records Enhancement Fund and the EMS Revolving Fund; and
- Provide for the distribution of fines, forfeitures, and penalties to the Children's Advocacy Fund; the EMS Revolving Fund; the Trauma Fund; the Traffic Records Enhancement Fund; and the remainder of remittances to the State General Fund.

The House Transportation Committee amendment would define “passenger car” and set a flat fine of \$60 (instead of a fine up to \$60 plus court costs) for safety belt violations.

The Kansas Department of Transportation and the Kansas Highway Patrol estimate there would be no fiscal effect on their operations from passage of SB 211. The bill would increase the number of persons who could incur a seat belt violation, thereby increasing the potential for additional revenue from fines. There is, however, no way of estimating how much the fiscal impact might be.

**HB 2119.** Conferees who presented testimony in support of the bill, as introduced, included Representative Mah and the Operations Manager of the Board of Emergency Medical Services. The Director of Vehicles pointed out the difference between the registration fees charged to privately owned ambulances which would pay annual registration fees of at least \$40, while publicly owned ambulances would pay a one time fee of \$6.00. She said that creating a special registration within a special registration type also will cause law enforcement problems.

Written testimony in support of the bill, as introduced, also was submitted by the President, N.E. Kansas Regional EMS Council. No one testified in opposition to the bill.

The House Committee amendment was proposed by the Director of Vehicles. It would limit the license plates to emergency medical service attendants.

An updated fiscal note was not available at the time the Committee amended and passed the bill.

**HB 2559.** Conferees who testified in support of the original bill included Representatives Kelley and George. The representative of the Kansas Department of Transportation opposed the bill while the Director of Vehicles and the Kansas Highway Patrol suggested an interim study.

The substitute bill was adopted by the House Transportation Committee at the request of the sponsor, Representative George.

The original fiscal note on HB 2559 states that the bill would increase the amount of revenue as a result of requiring micro utility vehicles to be registered with the Division of Motor Vehicles. The Department of Revenue does not collect data on these vehicles and is therefore unable to estimate the fiscal effect of any registration revenue that would result from the passage of HB 2559. No information is available at the state level by which to estimate an accurate amount of the increased revenues that would result from imposing fines for the unlawful operation of these vehicles. Any accurate estimate also would have to account for the reduced incidence of infractions that could be expected to occur as a deterrent effect by imposing such fines.

school speed zones; safety belt laws