

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2130**

As Agreed to May 7, 2010

Brief*

HB 2130 would amend state law to require every occupant of a passenger car manufactured with safety belts to wear a safety belt. The bill also would allow a law enforcement officer to stop a passenger car for a violation of safety belt requirements by anyone in the front seat and by anyone under age 18.

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 continue to require that a citation be issued for failure to wear a safety belt by an adult passenger in the back seat only if another law has been violated. The bill also would retain exceptions to those required to wear safety belts, such as carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes. The bill would not change requirements for children under 14 covered under the Child Passenger Safety Act (KSA 8-1343 *et seq.*).

The bill would set the fine for violations of safety belt requirements by adults at \$5 from June 30, 2010, until July 1, 2011, and \$10 starting July 1, 2011; both amounts would include court costs. (The fine for a violation by someone ages 14 through 17, KSA 2009 Supp. 8-2503(b), would continue to be \$60, including court costs.) The bill would continue current law that no violation would be reported to the Department of Revenue.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The bill would become effective upon publication in the *Kansas Register*. From the effective date until before June 30, 2010, a law enforcement officer would be required to issue a warning citation.

Conference Committee Action

The Conference Committee agreed to reduce the fine for violation from \$60 to the amounts listed above and changed the date for the warning period from 2009 to 2010. Other provisions are from HB 2130 as amended by the Senate Committee on Transportation.

Background

The original HB 2130 would have authorized, as of January 1, 2010, the issuance of distinctive "Support Kansas Arts" license plates. Those provisions are included in the 2009 Conference Committee Report for HB 2134. The Senate Committee on Transportation substituted the contents of SB 59, the primary safety belt provisions, for the arts license plate provisions.

The safety belt 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 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.
- 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.

A representative of the 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 2009 Supp. 28-172a, which has been amended in 2010.

No opponents testified on the bill.

The Senate Committee on Transportation amended SB 59 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. That version passed the

Senate and was referred to the House Committee on Transportation.

The arts license plate version of HB 2130 was passed by the House, approved as amended by the Senate Committee on Transportation, and further re-referred to the Senate Committee on Federal and State Affairs and to Transportation. The Senate Committee on Transportation substituted the contents of SB 59 for the arts license plate provisions. The Senate Committee on Transportation further amended the safety belt provisions to:

- Change the fine to \$60 including court costs;
- Prohibit law enforcement officers from stopping a driver for a violation of the safety belt requirement by an occupant of the back seat; and
- Prohibit issuance of a citation for violation of the safety belt requirement by an adult occupant of the back seat without citing the violation that initially caused the officer to stop the vehicle.

The 2009 fiscal note from the Division of the Budget on SB 59, the original safety belt 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. The 2010 fiscal note for SB 483, a similar primary safety belt bill, states that Kansas also would qualify to receive \$465,000 of additional federal safety moneys annually under the Occupant Protection Incentive Grant program.

primary seat belt