

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 342**

As Amended by Senate Committee of the Whole

**Brief\***

SB 342, as amended, would create the Safety Corridor Act, under which highway safety corridors could be established and penalties increased for certain violations within segments of highway designated as safety corridors. The bill would define a safety corridor as a segment of highway designated by the Secretary of Transportation and identified with posted or moving signs.

The bill would authorize the Secretary to establish and administer a safety corridor program. The bill would require the Secretary to establish criteria and designate safety corridors at the recommendation of the Executive Safety Council, which is defined in the bill. Criteria that would be used in determining designation as a safety corridor would include, but not be limited to, accident rates, accident fatality rates, numbers of crashes resulting in serious injury or death, and traffic volumes. Such safety corridors could be designated on interstate, United States, or state highways. No safety corridor could be designated within the corporate limits of a city unless the governing body of such city has passed a resolution supporting the designation, and the Secretary would be required to remove such designation if a resolution revoking city support for the designation is passed. The bill would require the Secretary to establish guidelines to evaluate whether a safety corridor continues to meet criteria for the designation and revoke a designation if the corridor does not meet the criteria. The bill would require an annual report from the Secretary on the program to the Senate and House Transportation committees.

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\*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>

The bill would create the Safety Corridor Fund. Moneys credited to that fund could be used only for programs within designated safety corridors, such as signage, education, and enforcement. All fines for violations within a corridor would be remitted to the state and credited to the Fund. Each municipality that enacts an ordinance or resolution substantially similar to a provision doubling fines within a safety corridor would submit half of the increased fine to the State, which would credit that money to the Fund. The bill also would credit 0.9 percent of fines, penalties, and forfeitures received from clerks of the district court to the Safety Corridor Fund.

The bill would increase penalties for moving violations within a safety corridor. If a person is convicted of a traffic infraction that meets the definition of a moving violation and the infraction was committed within a designated safety corridor, the fine listed in the uniform fine schedule would be doubled. A conviction of exceeding the speed limit within a safety corridor by more than five miles per hour would be considered a moving violation for determining whether a person's driving privileges should be restricted, suspended, or revoked. A conviction for speeding in a safety corridor by not more than 5 miles per hour would not be reported to or considered by an insurance company in determining an automobile insurance rate. The bill would prohibit a diversion agreement in lieu of further criminal proceedings that would prevent the conviction of exceeding the speed limit in a safety corridor from appearing on a person's record.

## **Background**

Senator Tom Holland, the Deputy Secretary of Transportation and State Transportation Engineer, the mayor of Eudora, a captain with the Wichita Police Department, and a private citizen testified in support of the bill. Written proponent testimony was received from representatives of the Kansas County Highway Association; the City of Lawrence; and the Kansas Association of Chiefs of Police, the Kansas

Sheriffs Association, and the Kansas Peace Officers Association. A representative of the Kansas Motor Carriers Association requested several amendments to the bill and said the Association would support an amended bill. There was no opposition testimony.

The Senate Committee on Transportation amended the bill to add that a conviction of exceeding the speed limit within a safety corridor would be considered a moving violation for determining whether a person's driving privileges should be restricted, suspended, or revoked, regardless of the number of miles per hour the violator's speed exceeds the speed limit. It also amended the bill to prohibit a diversion agreement in lieu of further criminal proceedings that would prevent the conviction of exceeding the speed limit in a safety corridor from appearing on a person's record.

The Senate Committee of the Whole amended the bill to state that a conviction for speeding in a safety corridor by not more than 5 miles per hour would not be considered a moving violation for purposes of restricting, suspending or revoking driving privileges and shall not be reported to or considered by an insurance company in determining an automobile insurance rate.

“Moving violation” is defined by the Department of Revenue in Kansas Administrative Regulation 92-52-9. Traffic infractions that also are moving violations include failure to obey traffic control signals, failure to yield, following another vehicle too closely, and unlawful passing.

According to the fiscal note prepared by the Division of the Budget on the original bill, the Kansas Department of Transportation (KDOT) stated, if five such corridors are established, the bill would increase expenditures in FY 2013 by \$5,000 in signage and \$150,500 in additional patrol costs, a total of \$175,500. KDOT estimated revenues to the Safety Corridor Fund associated with the 0.9 percent of fines collected by the district court at \$177,300. KDOT is unable to estimate the additional revenues that would be collected from

municipal court collections. The League of Kansas Municipalities stated any fiscal effect upon Kansas municipalities resulting from the passage of SB 342 would be negligible. The Office of Judicial Administration stated it is unable to determine a fiscal effect on the courts at this time.