

February 7, 2017

The Honorable Richard Proehl, Chairperson  
House Committee on Transportation  
Statehouse, Room 581-W  
Topeka, Kansas 66612

Dear Representative Proehl:

**SUBJECT:** Fiscal Note for HB 2188 by House Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2188 is respectfully submitted to your committee.

Under current law, any person convicted of certain right-of-way violations involving a vehicle accident or collision would be guilty of an unclassified misdemeanor punishable by being required to take 16 hours of driver's education. In addition to this requirement, HB 2188 would impose the following penalties:

1. A fine of \$250 if the accident or collision results in bodily harm to another person;
2. A fine of \$500 if the accident or collision results in great bodily harm or disfigurement to another person; or
3. A fine of \$1,000 if the accident or collision results in the death of another person, plus 200 hours of community service if the person is also convicted of driving under the influence or texting while driving.

Any violation of these provisions would be considered a moving violation and a person would not be allowed to enter into a diversion agreement in lieu of further criminal proceedings to prevent a conviction from appearing on the person's record. The bill defines conviction to mean a final conviction without regard to whether the sentence was suspended or probation was granted. Further, the forfeiture of any bail, bond or collateral deposited to secure a defendant's appearance in court would also be equivalent to a conviction.

The Office of Judicial Administration indicates HB 2188 could increase expenditures related to additional staff time spent by judges and nonjudicial employees hearing and processing more cases from right-of-way violations. In addition, the bill would increase expenditures for more staff time incurred by Court Services Officers monitoring driver's education and community service. Any additional revenues from the fines created in this bill would be

distributed by fund to various agencies in the following percentages currently listed in KSA 74-7336:

1. 10.94 percent to the Crime Victims Compensation Fund;
2. 2.24 percent to the Crime Victims Assistance Fund;
3. 2.75 percent to the Community Alcoholism and Intoxication Programs Fund;
4. 7.65 percent to the Department of Corrections Alcohol and Drug Abuse Treatment Fund;
5. 0.16 percent to the Boating Fee Fund;
6. 0.11 percent to the Children's Advocacy Center Fund;
7. 2.28 percent to the EMS Revolving Fund;
8. 2.28 percent to the Trauma Fund;
9. 2.28 percent to the Traffic Records Enhancement Fund;
10. 4.4 percent to the Criminal Justice Information System Line Fund; and
11. The remainder to the State General Fund.

Any fiscal effect associated with HB 2188 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary  
Jack Smith, Department of Revenue