

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2235

As Amended by Senate Committee on
Transportation

Brief*

The bill would enact a new statute and amend existing law to permit the use of sun screening devices in motor vehicles under certain circumstances. For purposes of the bill, a sun screening device, as defined in current law, is a film material or device designed for use in conjunction with motor vehicle safety glazing for reducing the effects of the sun.

Persons who submit proof to the Director of Vehicles that they have a medical condition, or are responsible for transportation of a person with a medical condition that requires the use of a sun screening device that limits total light transmission to less than 35 percent would be granted an exception to the general prohibition against use of such devices. Satisfactory proof of such a medical condition would include a statement certifying the person's disability from a person licensed to practice healing arts in any state, an advanced registered nurse practitioner registered under Kansas law, a licensed physician assistant, or a Christian Science practitioner listed in the Christian Science Journal. Willful and false representation that a person is qualified to obtain a decal would be a class C nonperson misdemeanor. Persons authorized to certify a medical condition for which a sun screening device is required and who do so willfully and falsely would be guilty of a class C nonperson misdemeanor.

Another general exception to the prohibition against the use of sun screening devices that transmit less than 35 percent of light would be created by the bill for publicly owned police motor vehicles.

Any motor vehicle owned by a person certified to have a medical need for a sun screening device and which is equipped with the device would have to display a special decal issued by the Director of Vehicles

*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>

on the vehicle's rear bumper. The decal would have to be kept free of foreign materials and in a condition to be clearly legible.

Once the person no longer requires the sun screening device, the device and the decal would have to be removed from the vehicle. Other provisions of existing law regarding use of sun screening devices would be applicable to such vehicles. Failure to comply with those provisions would be a class C nonperson misdemeanor.

Background

Representative RJ Wilson presented testimony in support of the bill at the House Transportation Committee's hearing. One of Representative Wilson's constituents has a medical condition that makes exposure to direct sunlight intolerable. Written testimony in support of the bill was submitted by the Pittsburg Kansas Municipal Prosecutor and a resident of Arcadia, Kansas referred to in Representative Wilson's testimony. A representative of the Kansas Highway Patrol (KHP) also testified in support of the bill. Both proponents of the bill supported amendments that were adopted by the Committee. Those amendments exempt publicly owned police vehicles from the general prohibition and required that the decal be maintained free from foreign materials and in a legible condition.

The fiscal note prepared by the Division of the Budget during the 2003 Session, when the bill was introduced, states that HB 2235 could result in increased costs to the courts through increased prosecutions, but that effect cannot be properly assessed at this time. The Department of Revenue states that decals required by the bill would cost eight cents apiece. The bill would also require changes to administrative procedures, training of state and local staff, and preservation and storage of documents. According to the fiscal note, these costs could be absorbed within existing resources.

The fiscal note goes on to say that the bill would require modifications to the automated tax system that would be performed by existing staff of the Department of Revenue. However, outside contract programming services beyond the Department's current budget may be required under some circumstances. Any fiscal effect associated with enactment of HB 2235 would be in addition to amounts included in the Governor's budget recommendation.