

REVISED
SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2624

As Amended by Senate Committee of the Whole

Brief*

HB 2624 would enact a new statute regulating trucks used to haul harvested cotton, and would amend the Child Passenger Safety Act, the speed limit law, and the state van pooling program statute. Finally, the bill would enact a new statute regarding authority of school crossing guards and increase the fine for speeding in a school zone.

Hauling harvested cotton. The bill would allow persons operating cotton module trucks under a special permit issued by the Secretary of Transportation to move cotton modules 24-hours per day. Existing law restricts operation of these vehicles on roads and highways to daylight hours, defined as 30 minutes before sunrise to 30 minutes after sunset. Provisions of existing law governing oversize and overweight vehicles and rules and regulations of the Secretary would continue to apply to cotton module trucks.

School zones. The bill would prohibit willful failure or refusal to comply with a lawful order or direction of a uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic. The fine for a violation of the prohibition would be \$60, plus court costs. The bill also would double fines conviction of speeding in a school zone.

Child passenger safety restraining system. The bill would amend existing law regarding child safety restraining systems to require a driver who transports a child under the age of 18 years in a passenger car manufactured after January 1, 1968, to protect the child by using:

- ! a child passenger safety restraining system for a child four to seven years of age and who weights less than 80 pounds or is less than 4 feet 9 inches in height. The restraining system, known as a "booster seat," would have to meet or exceed federal

*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>

standards; or

- ! a safety belt manufactured in compliance with federal standards for a child eight to 17 years of age or who weighs more than 80 pounds or is more than 4 feet 9 inches in height. An exception to this requirement would be provided for any seating position where only a lap belt is available.

The fine imposed for violation of child safety restraining requirements would be increased from \$20 to \$60, but would be waived if the driver convicted of violating the booster seat requirement provides proof to the court that the driver had purchased or acquired an approved booster seat. Finally, from July 1, 2004 to July 2005, only warning citations would be issued for violations of the booster seat requirement.

Speed limit provisions. The bill would amend existing law to increase from 70 to 75 miles per hour the maximum speed limit on any separated, multilane highway. A "buffer" provision would provide that any conviction or forfeiture of bail or bond for exceeding, by not more than five miles per hour, the 75 miles per hour speed limit would not be a moving violation for purposes of action against a drivers license. Such violation also would not become part of the public record or be considered by an insurance company in determining the rate charged for an automobile liability insurance policy or whether to cancel a policy.

Vanpool program. The bill also would amend existing law to make the vanpool program self supporting. Subject to the availability of sufficient revenue from passenger fees, the Secretary of Administration would be authorized to purchase vans for the program. Van drivers would be authorized to charge passengers a fee established by the Secretary at a level that would enable each vanpool to be self-supporting. Fee revenue would pay for vanpool operation, service, repair, insurance, vehicle replacement, and program administration. Fee revenue would be deposited in the Motor Pool Service Fund in the State Treasury. The bill would repeal a provision in existing law that makes participation in the vanpool program a legitimate part of a state employee's work for purposes of worker's compensation coverage. The bill also would require purchase of a minimum of \$1,000,000 liability coverage for each van in the program. Finally, the Secretary would be authorized to terminate the van pool program if it is no longer feasible

to operate the program without a state subsidy or in a manner consistent with the act.

Background

At the House Transportation Committee's hearing on the introduced version of the bill, the following presented testimony in support of the cotton module provisions: Gene Latham, Manager, Southern Kansas Cotton Growers Cooperative, Inc.; Deb Miller, Secretary of Transportation; Deann Williams, Director of Industry Relations, Kansas Motor Carriers Association; Terry D. Holdren, Associate State Director, Kansas Farm Bureau, Governmental Relations; and Leslie Kaufman, Director, Governmental Relations, Kansas Cooperative Council. Robert Miller, President, Kansas Cotton Association submitted written testimony. No one testified against the bill.

The Senate Transportation Committee added to the bill provisions regarding the child passenger safety restraint system, the speed limit on freeways, and the van pool program. The speed limit provisions previously passed the Senate in SB 384. The child passenger safety provisions previously passed the Senate in SB 329. The House Transportation Committee amended the van pool provisions into SB 501.

The Senate Committee of the Whole amended the bill to include provisions regarding school zones, repeal the provision regarding worker's compensation coverage of workers participating in a state vanpool and clarify requirements for vanpools to be self supporting. The provision regarding school zones was included in SB 385 as passed by the Senate.

The Division of the Budget's fiscal note on the introduced version of the bill states that if the cotton module provision were not enacted, and persons with cotton module permits were to be allowed to operate during non-daylight hours, the state would be out of compliance with federal requirements. That situation could result in loss of federal highway funds totaling approximately \$22 million, annually. The Division of the Budget's fiscal note on the introduced version of SB 384, that would increase the speed limit on freeways, states that the Department of Transportation would expend \$60,000 on new speed limit signs. The fiscal note states that the expenditure could be absorbed

within current resources. The fiscal note also states that enactment of the bill could require additional overtime costs if all potentially affected highways have to be evaluated in a short period of time. The Division of the Budget's fiscal note on SB 329, which would enact the child passenger safety provisions of this bill, states that those provisions would not have a fiscal impact on the state budget. The Division of the Budget's fiscal note on SB 385 states that enactment of the bill would have negligible effect on any state fund, but that the bill could increase revenues to some municipalities. The fiscal note does not contain an estimate of any such local revenue increase.