

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 274

As Recommended by Senate Committee on
Transportation

Brief*

SB 274 would increase the fine for a person 18 years and older who is not wearing a seat belt in a passenger car when that car is in motion from \$10 to \$30. The bill would direct \$20 from each fine for violation of a city ordinance requiring seat belt use by those 18 and older to the Seat Belt Safety Fund (Fund), which would be established by the bill and administered by the Secretary of Transportation (Secretary). The bill also would direct 2.74 percent of all fines, penalties, and forfeitures received from clerks of the district court to the Fund and adjust percentages to certain other specified funds by amounts ranging from 0.06 percent to 0.3 percent.

All expenditures of moneys in the Fund would be used for the promotion of and education on occupant protection among children, including, but not limited to, programs in schools in Kansas. These expenditures would be made in accordance with appropriations acts. The Secretary would be authorized to accept gifts, grants, donations, and bequests to the Fund. The Secretary would remit all moneys received to the State Treasurer, who would then deposit the entire amount to the credit of the Fund.

Background

The bill was introduced by the Senate Committee on Assessment and Taxation. A representative of the Seat Belts

*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>

Are for Everyone (SAFE) Coalition testified in support of the bill in the Senate Committee on Transportation, stating the bill would allow expansion of the SAFE program, which has been proven to increase seat belt use among high school students, to all Kansas high schools; poll results show Kansans overwhelmingly support an increase in the primary seat belt fine for adults; the bill reflects a compromise based on feedback from an earlier proposal; and the proponents worked with the Office of Judicial Administration to assure the percentages proposed would keep amounts to other funds supported through fines, penalties, and forfeitures consistent with current amounts. The Executive Director of the Emergency Medical Services (EMS) Board submitted neutral written testimony expressing concerns about the effects of changing the percentage of fines, penalties, and forfeitures distributed to the EMS Revolving Fund. No opponent testimony was given.

Statutory language that would not be amended by the bill states no court costs are associated with this fine.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration estimates enactment of the bill would result in additional FY 2016 revenues of \$490,140 to the Fund from fines, penalties, and forfeitures received by clerks of the district courts. The Kansas Department of Transportation indicates the bill would result in additional revenues and expenditures to that agency from the creation of the Fund. The League of Kansas Municipalities (LKM) stated cities with municipal courts would be imposing the \$30 fine and retaining the current \$10 fine; however, LKM does not know how many seat belt violations are prosecuted in Kansas cities each year. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.