

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 274

As Amended by Senate Committee of the Whole

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 and would amend law relating to boater safety education for operation of a sailboat.

Seat belts. The bill would direct \$20 from each \$30 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.

Sailboat safety. The bill also would amend law relating to boater safety education for operation of a sailboat. Current law requires any persons born on or after January 1, 1989, to

*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>

possess a certificate of completion of a boater safety course authorized by the Kansas Department of Wildlife, Parks and Tourism (Department) in order to operate a motorboat or sailboat on Kansas public waters without direct supervision. This requirement does not apply to anyone 21 years of age or older.

The bill would exempt any individual operating a sailboat that does not have a motor and has an overall length of 16 feet, 7 inches or less while participating in an instructor-led sailing class from the requirement to possess a certificate of completion from an approved boater safety education course. The bill also would grant the Department authority to adopt rules and regulations related to this exemption.

Background

SB 274 was introduced by the Senate Committee on Assessment and Taxation. A representative of the Seat Belts 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.

The Senate Committee of the Whole amended the bill to add the provisions of SB 190, as amended by the Senate Committee on Transportation, regarding sailboat safety education.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration estimates enactment of the seat belt provisions 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*.

SB 190. The bill was introduced by Senator Holland. In the Senate Committee on Transportation, Senator Holland stated the bill would make sailboat training classes more accessible to any person under 21 years of age who does not possess a certificate of completion of an approved boater safety training course. A representative of the Perry Yacht Club also spoke in favor of the bill, stating a number of topics covered in the Kansas course are not relevant to operating small sailboats that do not have motors and could cause some confusion for youth participating in an instructor-led sailing course.

A Department representative testified neutrally on the original bill. The representative outlined the current requirements for boater safety. The representative did note concern with language in the original bill relating to certificates of completion and the length of the sailboat.

The Senate Committee amended the bill to reduce the sailboat length in the exemption from 20 feet or less to 16

feet, 7 inches and to specify the sailboat may not have a motor. The Senate Committee also amended the bill to strike language relating to an exemption for a person who has completed an instructor-led class and can furnish proof of successful completion.

The House Committee on Transportation heard proponent testimony from Senator Holland and the chief legal counsel of the Department, and also received written proponent testimony from a representative of the Perry Yacht Club. There was no other testimony. The House Committee recommended the bill favorably for passage.

According to the fiscal note prepared by the Division of the Budget on SB 190, as introduced, the Department indicates passage of the bill would not have a fiscal effect on the agency.