

SESSION OF 2011

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2192**

As Agreed to March 28, 2011

Brief*

HB 2192 would combine various provisions regulating traffic.

Vehicle identification number (VIN) inspection fees (Section 1). The bill would increase the fee per hour and the minimum fee paid for inspection of a VIN from \$10 to \$15 in FY 2012 and to \$20 beginning in FY 2013. It would allow the Kansas Highway Patrol (KHP) to receive 10 percent (changed from \$1) of the fees for each inspection conducted by a program designee or new vehicle dealer.

Signature at registration renewal (Section 2). The bill would remove a requirement that an applicant for renewal of a vehicle's registration sign a certification that the applicant has and will maintain financial security (insurance) on the vehicle. A signature on such a certification statement would continue to be required at a vehicle's initial registration.

“Dead red” (Section 3). The bill would allow the driver of a motorcycle or the rider of a bicycle to proceed through a steady red signal, subject to other traffic rules governing right of way, if the red light has failed to change to green within a reasonable period of time because the signal has malfunctioned or has failed to detect the vehicle. The driver or rider must yield the right of way to any vehicle in the intersection or approaching so as to constitute an immediate

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hazard, to any pedestrian lawfully within an adjacent crosswalk, and to any other traffic lawfully using the intersection.

Passing bicycles (Section 4). The bill would require the driver of a vehicle overtaking a bicycle to pass that bicycle on the left no less than three feet away from the bicycle. It would allow the vehicle to pass a bicycle in a no-passing zone only when it is safe to do so.

Speed limit to 75 miles per hour (mph) (Sections 5, 6, 7). The bill would increase the maximum lawful speed limit from 70 miles per hour to 75 miles per hour on any separated multilane highway, as designated by the Secretary of Transportation. The bill would increase 70 mph to 75 mph in two additional statutes: a violation of a speed limit of 55 mph up to 75 mph (increased from 70 mph) by not more than 10 mph could not be construed as a moving violation, nor could it be reported by the Division of Vehicles to an insurance company or considered by any insurance company in determining the rate to be charged for an automobile liability insurance policy.

Seat belt law into the Uniform Act Regulating Traffic (Sections 8, 9, 10). The bill would include the Safety Belt Use Act in the Uniform Act Regulating Traffic. It would clarify that no court costs are to be applied to seat belt violations and would remove outdated language. It also would remove language redundant to the Child Passenger Safety Act.

Conference Committee Action

The Conference Committee combined these provisions into a single bill:

- VIN inspection fees. These provisions, originally in SB 218, had been added by the Senate Committee on Transportation to HB 2172. The Senate Committee on Transportation also had included a clarifying

amendment regarding vehicles that dealers are authorized to inspect, requested by a representative of the Kansas Automobile Dealers Association.

- Signature at registration renewal. These provisions were the original contents of HB 2172.
- “Dead red.” These provisions, from HB 2058 as amended regarding bicycles by the House Committee on Transportation, were added to HB 2192 by the House Committee on Transportation.
- Passing bicycles. These provisions, originally in HB 2174, were added to HB 2192 by the Senate Committee on Transportation.
- Speed limit to 75 mph. These provisions, from HB 2034, as amended by the House Committee of the Whole, had been placed into House Sub. for SB 213.
- Seat belt law into the Uniform Act Regulating Traffic. These are the original provisions of HB 2192.

Background

VIN inspection fees. At the hearing on SB 218, representatives of the KHP; the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association; the Kansas Automobile Dealers Association; and the Kansas Association of Counties provided proponent testimony. No other testimony was received. According to testimony, 55 city police departments and 76 county law sheriff departments also perform these inspections. VIN inspections are performed on assembled or reconstructed vehicles, so that such a vehicle's owner can obtain a regular certificate of title and not have a nonhighway or rebuilt salvage title, and when a vehicle's owner applies for an original Kansas title. According to testimony, these inspections prevent stolen vehicles from becoming titled in Kansas. The \$10 VIN inspection fee has not been increased since the statute including the fee was enacted in 1984.

Signature at registration renewal. The Miami County Treasurer, representing the Kansas County Treasurers Association, testified in support of HB 2172, regarding a signature at registration renewal, to both the House and Senate Transportation Committees. There was no other testimony.

“Dead red.” The House Committee on Transportation amended HB 2192 to insert contents of HB 2058, as introduced, but amended to include bicycles. HB 2058 was proposed by ABATE of Kansas, and proponent testimony on that original bill was provided by six ABATE representatives to the House Committee on Transportation. A representative of the United Transportation Union provided neutral testimony. A representative of the Kansas Association of Chiefs of Police and the Kansas Peace Officers Association provided opposition testimony. The Senate Committee on Transportation received proponent testimony from several ABATE representatives and no other testimony.

Passing bicycles. At its hearing on HB 2192, the Senate Committee on Transportation heard proponent testimony on the original contents of HB 2174 from Senator Marci Francisco and from representatives of the Kaw Valley Bicycle Club. There was no other testimony.

Speed limit to 75 mph. Representative Marvin Kleeb testified in favor of HB 2034 before the House Committee on Transportation. No other testimony was offered. The House Committee of the Whole amended the bill to increase from 70 mph to 75 mph the speed limits noted in statutes related to violations excluded from being construed as moving violations or reported to or considered by an insurance company in determining rates. In sections of law not amended by the bill, the Secretary has the authority to establish a lower speed limit for a specific route (KSA 8-1559), and the Kansas Turnpike Authority has the authority to set maximum and minimum speed limits for the Turnpike (8-1560b).

Seat belt law into the Uniform Act Regulating Traffic.

Before the House Committee on Transportation, Representatives Tom Burroughs, Rich Proehl, and Vince Wetta testified in support of the bill, and Representative Gary Hayzlett submitted written testimony as a proponent. A representative of AAA Kansas presented neutral testimony. A representative of the League of Kansas Municipalities submitted testimony opposing the bill. Before the Senate Committee on Transportation, a representative of the League of Kansas Municipalities testified in opposition to the bill, and written opposition testimony was received from the a representative of the City of Lenexa.

Fiscal Effects

VIN inspection fees. According to the fiscal note prepared by the Division of the Budget on SB 218, the KHP indicates there are 36.0 FTE positions for the VIN Inspection Program but VIN inspection fees fund only 27 of those. The agency estimated the increase in fees would bring in additional revenue of \$542,276 in FY 2012 and \$705,875 in FY 2013. (The fiscal note says a higher estimate for FY 2012 for similar legislation, HB 2093, was incorrect.) Passage of SB 218 was expected to result in increased revenues of \$281,930 in FY 2012 for local governments. Any fiscal effect of the bill is not reflected in *The FY 2012 Governor's Budget Report*.

Signature at registration renewal. The fiscal note prepared by the Division of the Budget on the original HB 2172 states the bill would have no effect on state revenues or expenditures.

Speed limit to 75 mph. The fiscal note prepared on the original bill (HB 2034) states the Kansas Department of Transportation said passage would require modification to highway signs, at a cost of \$16,500 to \$24,750.

Seat belt law into the Uniform Act Regulating Traffic.

The fiscal note prepared by the Division of the Budget states that court cost charges for seat belt violations would decrease but, because a seat belt violation often is accompanied by another violation, the effect would be negligible. The League of Kansas Municipalities reported there would be a fiscal effect to cities that had adopted other fines and collected court costs for these violations, but it could not determine a precise fiscal effect on the cities.

Signature at registration renewal, “dead red,” and passing bicycles were expected to have no fiscal effect on state revenues or expenditures.

VIN Inspection Fees; Signature at Registration Renewal; Dead Red; Passing Bicycles; 75 mph Speed Limit; Uniform Act Regulating Traffic; Seat Belts; Motorcycle