

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on February 25, 1998 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Chris McKenzie, Exec. Dir. League of Kansas Municipalities

Others attending: See attached list

**SB 167: Requiring alcohol and drug school to obtain drivers license.**

Members followed up on discussion begun in the February 24 meeting concerning Senator Tyson's proposed amendment to allow schools to designate a teacher to substitute for the certified instructor, when teaching a certified course. Gene Johnson felt the amendment passed yesterday pretty well allows schools to become involved if they so choose. There were member who expressed satisfaction with what schools are already doing to adequately cover the topic. It was also pointed out that school boards can always add this requirement. Current language in the bill is not mandating anything for school systems. Rather, it allows schools to become involved if they so choose. Language still requires it be taught by a certified drug and alcohol abuse counselor. Senator Tyson withdrew his proposed amendment because it obviously adds many complications to the process.

Chair asked how the committee wished to proceed with this bill. This is an important issue which a great deal of research shows the job is not adequately being dealt with in schools. Obviously there is not sufficient committee support to pass out the bill in its present form. More information is needed about how to accomplish this training. Numerous school boards have been contacted previously, and not one responded to this issue. The Chair suggested a committee letter to the State Board of Education regarding this training; advising them we think something should be done, but we do not wish to mandate it. Also, telling them we would like to come to some agreement with them on this matter, and suggesting they work with Kansas Alcohol Safety Action Project Coordinators Association to accomplish satisfactory training. We will also request a timely reply to our inquiry.

**SB 557: Funeral processions, regulation of, lights, liability.**

The Chair announced that due to the need for several technical amendment **SB 557** has been rereferred to the Committee. Chris McKenzie, Executive Director, League of Kansas Municipalities, addressed matters related to the Uniform Act regulating traffic as set forth in K.S.A. 8-152 and 8-1544 and provided information on the preemption of local ordinances and pedestrian right-of-way (Attachment 1). Pam Scott, Kansas Funeral Directors Association, advised she only saw the recommendation prior to the meeting, but at this point feels they probably would have no objections to the provisions provided. Discussed problems related to this legislation. Staff Revisor offered suggestions relating to wording regarding "due care." They don't want to lose the ability to ticket people who drive through a funeral procession - really interfering with it. It was felt that at some point in time this funeral procession law would be a part of the Uniform Act, therefore that needs to be specifically stated. This would then include uniform penalties. Otherwise, there are no penalties for any violations. This means there are many technical aspects to be dealt with in relation to this bill. It was felt that combining the suggested changes offered by the League of Kansas Municipalities and by Staff Revisor would result in a workable bill. Senator Tyson moved to recommend a conceptual motion to work out the sticking points regarding penalties, conformity to the Uniform Act, allowing local options as to informing department, etc. Senator Gilstrap seconded the motion. Motion carried. The Committee will have a special meeting at the rail to take a look at the bill after the above technical corrections are made.

Meeting adjourned at 10:00 a.m.

The next meeting is scheduled at the rail on adjournment on February 26, 1998.

SENATE TRANSPORTATION AND TOURISM  
COMMITTEE GUEST LIST

DATE: FEBRUARY 25, 1998

NAME	REPRESENTING
Betty McBride	KDOR
Gary Carter	KDOR
Gene Johnson	Ks. ASAP Assoc
Ron Lambert	KADACA
Norine Mann	ABATE of KS
Don Nolan	League of KS Mun.
Pleue M. Farrell	KTLA
Mike Taylor	City of Wichita
Karin Ann Brown	KS Govt Consult
Chris McKenna	League of Ks. Municipalities
Don M	
Kelly Kuttala	City of Overland Park



**League  
of Kansas  
Municipalities**

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**TO:** Senate Transportation and Tourism Committee  
**FROM:** Chris McKenzie, Executive Director  
**DATE:** February 24, 1998  
**SUBJECT:** SB 557

Thank you for taking into consideration some additional comments on SB 557, as approved by the Committee on Monday of this week. As approved, we believe the bill will result in two substantial policy changes that we advise receive further consideration. They are:

- **Pedestrian Right-of-Way.** A portion of the uniform act regulating traffic already sets forth detailed rules governing the rights and duties of pedestrians. I have attached a copy of these thirteen sections found at K.S.A. 8-1532 through 8-1544 (also are found in Article 11 of the *Standard Traffic Ordinance for Cities*, now in use in approximately 250 cities). SB 557 would alter these rules in New Sec. 3 by providing that pedestrians shall yield the right-of-way to any vehicle in a funeral procession, subject to the conditions in New Sec. 4. This is true whether the pedestrian is crossing at an intersection with a traffic control device or within a crosswalk. In short, it would appear to provide that even children who cross at a crosswalk during a lull in a funeral procession would be in violation of the law and not subject to the same privileges as provided in K.S.A. 8-1533. Furthermore, the due care requirements of K.S.A. 8-1535 are much more extensive than provided in New Sec. 4(c) of the bill.

Recommendation: Two options for addressing this issue are provided. Option one would simply make the provisions of SB 557 subject to current state law (K.S.A. 8-1532 through 8-1544). Option 2 would take the much more specific due care language of K.S.A. 8-1535 and add it to paragraph (3) in line 18 on page 2.

- **Preemption of Local Ordinances.** It may not have been intended that SB 557 preempt local ordinances on a number of related subjects, but it is unclear whether this is the intent.

Recommendation: We recommend the addition of the savings clause on page 3, clarifying that cities may still require certain things, including prior notice of a funeral procession, and other things not in conflict with the provisions of this act.

We appreciate your consideration of these suggestions. Please let us know if you have any questions. Thank you.

*Senate Transp. + Tourism  
2-25-98  
Attachment #1*

immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of K.S.A. 8-1738 and visual signals meeting the requirements of K.S.A. 8-1720, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall drive immediately to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

History: L. 1974, ch. 33, § 8-1530; July 1.

Source or prior law: 8-554.

**Cross References to Related Sections:**

- "Authorized emergency vehicle" defined, see 8-1404.
- Rights, duties and liabilities of drivers of authorized emergency vehicles, see 8-1506.
- Designation of authorized emergency vehicles, see 8-2010.
- Movement of military forces, right-of-way, see 48-252a.

**Research and Practice Aids:**

- Uniform Vehicle Code, § 11-405.
- Automobiles ⇐ 175.
- C.J.S. Motor Vehicles § 371 et seq.

**Attorney General's Opinions:**

- Color of township fire-fighting vehicles. 81-148.

**CASE ANNOTATIONS**

1. Cited in holding driver operating emergency vehicle in compliance with 8-1506 commits no tort for injury to third parties by fleeing violator. *Thomton v. Shore*, 233 K. 737, 742, 666 P.2d 655 (1983).

**8-1531. Highway construction or maintenance operations; duty of driver.** (a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731.

History: L. 1974, ch. 33, § 8-1531; July 1.

**Cross References to Related Sections:**

- Authority of municipality or state highway commission to restrict use of highway under construction or maintenance, see 68-2104.

**Research and Practice Aids:**

- Uniform Vehicle Code, § 11-406.
- Automobiles ⇐ 154, 163(2).
- C.J.S. Motor Vehicles §§ 362 et seq., 391.

**CASE ANNOTATIONS**

1. Section not in effect on date of accident; no comparable section then in effect; no reversible error in instruction; damage award affirmed. *Chance v. Scroggins*, 3 K.A.2d 11, 13, 583 P.2d 479.

**\* PEDESTRIANS' RIGHTS AND DUTIES \***

**8-1532. Pedestrians; obedience to official traffic-control devices required.** (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to such pedestrian, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in K.S.A. 8-1508 and 8-1509.

(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter [\*].

History: L. 1974, ch. 33, § 8-1532; July 1.

\* Reference to "chapter" apparently should be to "article."

Source or prior law: 8-555.

**Research and Practice Aids:**

- Uniform Vehicle Code, § 11-510.
- Automobiles ⇐ 160.
- C.J.S. Motor Vehicles § 382 et seq.

**8-1533. Same; right-of-way at crosswalks; interference with vehicular traffic; duties of drivers.** (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) shall not apply under the conditions stated in subsection (b) of K.S.A. 8-1534.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(e) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

**History:** L

Source or prior law: 8-556(a), (b), (c)

Research and Practice Aids: Uniform Vehicle Code, Automobiles ⇐ C.J.S. Motor Vehicles

1. Requested by the then existing law, 11, 12, 588 P.2d

**8-1534. §**

tion other than crossing a roadway within a marked crosswalk the right-of-way.

(b) Any pedestrian at any point where a pedestrian crosses a roadway shall yield the right-of-way.

(c) Between traffic-control devices pedestrians shall not cross a marked crosswalk.

(d) No pedestrian shall cross a roadway at an intersection or at a point where a traffic-control device is authorized to control only a crosswalk.

**History:** L

Source or prior law: 8-557(a) to (d).

Revisor's Note: Duty of a driver not applicable under (b) of this section.

Research and Practice Aids: Uniform Vehicle Code, Automobiles ⇐ C.J.S. Motor Vehicles

1. No error in law required to yield to a pedestrian. K.A.2d 419, 421.

**8-1535. §**

care. Notwithstanding this article or the provisions of every driver of a vehicle shall give warning by sounding the horn and shall



History: L. 1974, ch. 33, § 8-1533; July 1.

Source or prior law:  
8-556(a), (b), (c), (e).

Research and Practice Aids:  
Uniform Vehicle Code, § 11-502.  
Automobiles ⇌ 160(4).  
C.J.S. Motor Vehicles § 382 et seq.

#### CASE ANNOTATIONS

1. Requested instruction not correct instruction under the then existing statute. *Chance v. Scroggins*, 3 K.A.2d 11, 12, 588 P.2d 479.

**8-1534.** Same; crossing roadway at location other than crosswalk. (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

History: L. 1974, ch. 33, § 8-1534; July 1.

Source or prior law:  
8-557(a) to (d).

#### Revisor's Note:

Duty of a driver of a vehicle to yield to a pedestrian not applicable under the conditions stated in subsection (b) of this section, see 8-1533(c).

Research and Practice Aids:  
Uniform Vehicle Code, § 11-503.  
Automobiles ⇌ 160(4).  
C.J.S. Motor Vehicles § 382 et seq.

#### CASE ANNOTATIONS

1. No error in instructing that pedestrians in roadway required to yield to vehicles. *Reeve v. McBrearety*, 8 K.A.2d 419, 421, 660 P.2d 75 (1983).

**8-1535.** Same; drivers to exercise due care. Notwithstanding other provisions of this article or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution

upon observing any child or any obviously confused or incapacitated person.

History: L. 1974, ch. 33, § 8-1535; July 1.

Source or prior law:  
8-557(e).

Research and Practice Aids:  
Uniform Vehicle Code, § 11-504.  
Automobiles ⇌ 160(3).  
C.J.S. Motor Vehicles §§ 284(1) et seq., 382 et seq.

#### CASE ANNOTATIONS

1. No error in instructing that pedestrians in roadway required to yield to vehicles. *Reeve v. McBrearety*, 8 K.A.2d 419, 421, 660 P.2d 75 (1983).

**8-1536.** Same; movement in crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

History: L. 1974, ch. 33, § 8-1536; July 1.

Source or prior law:  
8-558.

Research and Practice Aids:  
Uniform Vehicle Code, § 11-505.  
Automobiles ⇌ 160(4).  
C.J.S. Motor Vehicles § 382 et seq.

**8-1537.** Same; use of roadways. (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this article, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

History: L. 1974, ch. 33, § 8-1537; July 1.

Source or prior law:  
8-557a(a), (b).

Research and Practice Aids:  
Uniform Vehicle Code, § 11-506.  
Automobiles ⇌ 160(5).  
C.J.S. Motor Vehicles § 382 et seq.

#### CASE ANNOTATIONS

1. Statute not in effect on date of accident and no comparable statute then in effect; damage award affirmed. *Chance v. Scroggins*, 3 K.A.2d 11, 13, 588 P.2d 479.

2. No error in instructing that pedestrians in roadway required to yield to vehicles. *Reeve v. McBrearety*, 8 K.A.2d 419, 421, 660 P.2d 75 (1983).

**8-1538.** Same; soliciting rides or business. (a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

History: L. 1974, ch. 33, § 8-1538; July 1.

Source or prior law:  
8-557b.

Research and Practice Aids:

Uniform Vehicle Code, § 11-507.

Automobiles ⇌ 160(1).

C.J.S. Motor Vehicles § 382 et seq.

**8-1539.** Driving through safety zone prohibited. No vehicle shall at any time be driven through or within a safety zone.

History: L. 1974, ch. 33, § 8-1539; July 1.

Source or prior law:  
8-563.

Research and Practice Aids:

Uniform Vehicle Code, § 11-508.

Automobiles ⇌ 160(1).

C.J.S. Motor Vehicles § 382 et seq.

**8-1540.** Pedestrians' right-of-way on sidewalks. The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

History: L. 1974, ch. 33, § 8-1540; July 1.

Research and Practice Aids:

Uniform Vehicle Code, § 11-509.

Automobiles ⇌ 160(6).

C.J.S. Motor Vehicles § 389.

**8-1541.** Pedestrians must yield right-of-way to authorized emergency vehicle. (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of K.S.A. 8-1738 and visual signals meeting the requirements of K.S.A. 8-1720, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

History: L. 1974, ch. 33, § 8-1541; July 1.

Research and Practice Aids:

Uniform Vehicle Code, § 11-510.

Automobiles ⇌ 175.

C.J.S. Motor Vehicles § 371 et seq.

Attorney General's Opinions:

Color of township fire-fighting vehicles. 81-148.

**8-1542.** Blind pedestrian's right-of-way. The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

History: L. 1974, ch. 33, § 8-1542; July 1.

Source or prior law:  
8-558b.

Research and Practice Aids:

Uniform Vehicle Code, § 11-511.

Automobiles ⇌ 160(1).

C.J.S. Motor Vehicles § 382 et seq.

**8-1543.** Pedestrians under influence of alcohol or drugs; misdemeanor. A pedestrian who is under the influence of alcohol or any drug to a degree which renders such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk. Violation of this section is a misdemeanor.

History: L. 1974, ch. 33, § 8-1543; L. 1984, ch. 39, § 5; Jan. 1, 1985.

Cross References to Related Sections:

Consumption of alcoholic liquor in public places prohibited, see 41-719.

Public policy concerning criminal prosecution of alcoholics and intoxicated persons, see 65-4002.

Research and Practice Aids:

Uniform Vehicle Code, § 11-512.

Automobiles ⇌ 160(1).

C.J.S. Motor Vehicles § 382 et seq.

**8-1544.** Obedience of pedestrian to bridge and railroad signals required. (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

History: L. 1974, ch. 33, § 8-1544; July 1.

Research and Practice Aids:

Uniform Vehicle Code, § 11-513.

Automobiles ⇌ 160(1).

C.J.S. Motor Vehicles § 382 et seq.

TURNING AND STARTING; SIGNALS ON STOPPING AND TURNING

**8-1545.** Required position and method of turning vehicles. (a) The driver of a vehicle intending to turn shall do so as follows:

(1) Right to right turn and close as practical edge of the road.

(2) Left turn intending to turn the extreme left traffic moving vehicle. When intersection signal center of the shall be made or other location lawfully available direction as such entered.

(b) The signal authorities in cause official traffic and thereby r course from t traveled by t devices are s vehicle other such devices.

History:  
1975, ch. 42.

Source or prior  
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*As Amended by Senate Committee*

Session of 1999

**SENATE BILL No. 557**

By Committee on Transportation and Tourism

2-2

10 AN ACT concerning funeral processions; relating to the regulation  
11 thereof; amending K.S.A. 8-1729 and repealing the existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. As used in sections 1 through 5:

15 (a) "Funeral director" shall have the same meaning as ascribed to  
16 that term in K.S.A. 65-1713, and amendments thereto.

17 (b) "Funeral establishment" shall have the same meaning as ascribed  
18 to that term in K.S.A. 65-1713a, and amendments thereto.

19 (c) "Funeral procession" means two or more vehicles accompanying  
20 the body of a deceased person, or traveling to the church, chapel or other  
21 location at which the funeral service is to be held, in the daylight hours,  
22 including a funeral lead vehicle or a funeral escort vehicle.

23 (d) "Funeral lead vehicle" means any authorized law enforcement or  
24 nonlaw enforcement motor vehicle properly equipped pursuant to section  
25 2 or a funeral escort vehicle being used to lead and facilitate the move-  
26 ment of a funeral procession. A funeral hearse may serve as a funeral lead  
27 vehicle.

28 (e) "Funeral escort" means a person or entity that provides escort  
29 services for funeral processions, including law enforcement personnel and  
30 agencies.

31 (f) "Funeral escort vehicle" means any motor vehicle that is properly  
32 equipped pursuant to section 2 and which escorts a funeral procession.

33 New Sec. 2. (a) All nonlaw enforcement funeral escort vehicles and  
34 funeral lead vehicles shall be equipped with at least one rotating or os-  
35 cillating lamp exhibiting a purple light or lens visible under normal at-  
36 mospheric conditions for a distance of 500 feet from the front of the  
37 vehicle. Flashing purple lights may be used only when such vehicles are  
38 used in a funeral procession.

39 (b) Any law enforcement funeral escort vehicle may be equipped as  
40 provided in K.S.A. 8-1720, and amendments thereto, or with purple flash-  
41 ing lights as provided in subsection (a).

42 New Sec. 3. (a) Regardless of any traffic control device or right-of-  
43 way provisions prescribed by state or local ordinance, pedestrians and

Option 1 (Pedestrian Right of Way Issue)

Except as provided in K.S.A. 8-1532 through 8-1544,

1 operators of all vehicles, except as stated in subsection (c), shall yield the  
2 right-of-way to any vehicle which is part of a funeral procession being led  
3 by a funeral escort vehicle or a funeral lead vehicle.

4 (b) When the funeral lead vehicle lawfully enters an intersection, ei-  
5 ther by reason of a traffic control device or at the direction of law en-  
6 forcement personnel, the remaining vehicles in the funeral procession  
7 may follow through the intersection regardless of any traffic control de-  
8 vices or right-of-way provisions prescribed by state or local law.

9 (c) Funeral processions shall have the right-of-way at intersections  
10 regardless of traffic control devices, subject to the following conditions  
11 and exceptions:

12 (1) Operators of vehicles in a funeral procession shall yield the  
13 right-of-way to an approaching authorized emergency vehicle, as defined  
14 in K.S.A. 8-1404, and amendments thereto, giving an audible or visible  
15 signal;

16 (2) operators of vehicles in a funeral procession shall yield the  
17 right-of-way when directed to do so by a police officer; and

18 (3) operators of vehicles in a funeral procession must exercise due  
19 care when participating in a funeral procession.

20 New Sec. 4. (a) All vehicles comprising a funeral procession shall  
21 follow the preceding vehicle in the funeral procession as closely as is  
22 practical and safe.

23 (b) Any ordinance, law or regulation stating that motor vehicles shall  
24 be operated to allow sufficient space enabling any other vehicle to enter  
25 and occupy such space without danger shall not be applicable to vehicles  
26 in a funeral procession.

27 (c) Each vehicle which is part of a funeral procession shall have its  
28 headlights, either high or low beam, and tail lights lighted and may also  
29 use the flashing hazard lights if the vehicle is so equipped.

30 New Sec. 5. (a) Liability for any death, personal injury or property  
31 damage suffered *by any person* on or after July 1, 1998, by any person  
32 *in which arises out of* a funeral procession shall not be imposed upon  
33 the funeral director or funeral establishment or their employees or agents  
34 unless such death, personal injury or property damage is proximately  
35 caused by *results from* the negligent or intentional act of an *the funeral*  
36 *director or funeral establishment or their* employee or agent of the  
37 funeral director or funeral establishment.

38 (b) A funeral director, funeral establishment, funeral escort or other  
39 participant that leads, organizes or participates in a funeral procession in  
40 accordance with this act shall be presumed to have acted with reasonable  
41 care.

42 (e) Except for a grossly negligent or intentional act by a funeral di-  
43 rector or funeral establishment there shall be no liability on the part of a

Option 1 (Pedestrian Right of Way Issue)

Except as provided in K.S.A. 8-1532 through 8-1544,

Option 2 (Pedestrian Right-of-Way Issue)

to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person. (Note: this is identical to language found in K.S.A. 8-1535)

9-1

26



1 funeral director or funeral establishment for failing, on or after July 1,  
2 1998, to use reasonable care in the planning or selection of the route to  
3 be followed by the funeral procession. †

4 Sec. 6. K.S.A. 8-1729 is hereby amended to read as follows: 8-1729.

5 (a) During the times specified in K.S.A. 8-1703, and amendments thereto,  
6 any lighted lamp or illuminating device upon a motor vehicle, other than  
7 head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular  
8 hazard warning lamps and school bus warning lamps, which projects a  
9 beam of light of an intensity greater than three hundred (300) 300 can-  
10 dlepower shall be so directed that no part of the high intensity portion of  
11 the beam will strike the level of the roadway on which the vehicle stands  
12 at a distance of more than seventy-five (75) 75 feet from the vehicle.

13 (b) Except as required or permitted in K.S.A. 8-1720 and 8-1730, and  
14 any amendments thereto, no person shall drive or move any vehicle or  
15 equipment upon any highway with any lamp or device capable of dis-  
16 playing a red light visible from directly in front of the center thereof, nor  
17 shall any vehicle or equipment upon any highway have any lamp or device  
18 displaying any color of light visible from directly in front of the center  
19 thereof except:

20 (1) White or amber or any shade of color between white and amber;

21 or

22 (2) as provided in section 2.

23 (c) Flashing lights are prohibited except as authorized or required in  
24 K.S.A. 8-1717, 8-1720, 8-1721, 8-1722, 8-1723(e), 8-1730, 8-1730a and  
25 8-1731, and any amendments thereto or as provided in section 2.

26 (d) The flashing lights described in K.S.A. 8-1720, 8-1730 and 8-  
27 1730a, and any amendments thereto, shall not be used on any vehicle  
28 other than a school bus, church bus or day care program bus, as defined  
29 in K.S.A. 8-1730a, or an authorized emergency vehicle.

30 (e) All lighting devices and reflectors mounted on the rear of any  
31 vehicle shall display or reflect a red color, except the stop light or other  
32 signal device, which may be red, amber or yellow, and except that the  
33 light illuminating the license plate shall be white and the light emitted by  
34 a back-up lamp shall be white or amber.

35 (f) Flashing purple lights shall be used only as provided in sections 1  
36 through 5.

37 Sec. 7. K.S.A. 8-1729 is hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its  
publication in the statute book.

**Preservation of Other Regulations**

New Sec. 7. Nothing in sections one through five of this act shall be construed to prohibit any city from requiring a law enforcement or nonlaw enforcement funeral lead vehicle or funeral escort for a funeral procession, requiring prior notice to the city police department of a planned funeral procession, or requiring compliance with other ordinances, rules and regulations of the city not in conflict with the provisions of this act.

Sec. 8.

Sec. 9.

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